# TELOS

NUMBER 106 WINTER 1996

***Paul Piccone***: Secession and Reform in Canada
***Anthony Matteo***: In Defense Of Moral Realism
***Finn Bowring***: Habermas and Modernity
***Wolfgang Palaver***: Schmitt on *Nomos* and Space
***Gary Ulmen***: Schmitt as a Scapegoat
***Aviezer Tucker***: Reflections on a Fairy Godfather
***Mark Wegierski***: Canada in Crisis

*Special Section on*

## *Affirmative Action*

***Paul Gottfried***: On the Civil Rights Movement
***Seth Farber***: Meritocracy and Race
***David Ost***: Race and Bad Social Science
***Hugh Murray***: Response to Critics
***Moishe Gonzales***: Affirmative Action & its Discontents
***Larry A. Greene***: Bell Curve or Bean Ball?
***Hugh Murray***: More on Affirmative Action

ce: US $11 Can.: $14

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

# Telos

Editor: *Paul Piccone* Notes Editor: *Florindo Volpacchio*
Book Review Editor: *Michael Taves* Managing Editor: *Jennifer Paul*

Editorial Associates: *Frank Adler, Russell Berman, John Bokina, Robert D'Amico, Eva Geulen, Paul Gottfried, Moishe Gonzales, David Gross, Russell Jacoby, Tim Luke, John Michael, Magda Mueller, David Ost, David Pan, Eric S. Richardson, Gabor Rittersporn, G. L. Ulmen, Victor Zaslavsky.*

Art Director: *Amanda Trager*

*****

Subscription Rates

One-year Individual . . . $35.00 One-year Institutional . . . . . $90.00
Two-years Individual . . . $70.00 Two-years Institutional. . . .$180.00
(Foreign Subscribers, including Canadians, add 15%)

*****

Back Issues available: ns. 13, 17-18 20-51, 53-105 at $13.00 each ($30.00 for institutions). Foreign orders, add 15%. All payments must be in U.S. currency. Out of print issues (ns. 1-12, 14-16, 19, 52) can be obtained in microform or facsimile through University Microfilms, 300 North Zeeb Rd., Ann Arbor, MI 48106, US.

***Telos*** number 106 corresponds to Vol. 28, No. 4. ***Telos*** is published in the Spring, Summer, Fall, and Winter by Telos Press Ltd., 431 E. 12th Street, New York, NY 10009. Second Class postage paid at New York and additional mailing offices. Postmaster please send address changes to:

***Telos***
431 E. 12th Street
New York, NY 10009

© 1996, Telos Press Ltd. ISSN 0090-6514
Tel.: # 212-228-6479
Fax: # 212-228-6379

Unsolicited manuscripts will be considered only if the author provides at least three clean, finished copies conforming to the appropriate Telos style, or on IBM-compatible computer diskette. Allow at least three months for editorial evaluation. Manuscripts accepted for publication which undergo considerable editing will be sent back to authors for final approval. Rejected manuscripts will be recycled.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

# TELOS

**Number 106** **Winter 1996**

## Articles

Introduction....3
*Paul Piccone*
Secession or Reform? The Case of Canada....15
*Paul Piccone*
In Defense Of Moral Realism....64
*Anthony M. Matteo*
A Lifeworld without a Subject:
Habermas and the Pathologies of Modernity....77
*Finn Bowring*
Carl Schmitt on *Nomos* and Space....105
*Wolfgang Palaver*
Schmitt as a Scapegoat: Reply to Palaver....128
*Gary Ulmen*

## Notes and Commentary

On the Civil Rights Movement: Reply to Murray....139
*Paul Gottfried*
Murray and the Revolt of the Elites....142
*Seth Farber*
Race and Bad Social Science: Reply to Murray....147
*David Ost*
Response to Gottfried, Farber and Ost....152
*Hugh Murray*
Affirmative Action and its Discontents....157
*Moishe Gonzales*

## Reviews

A Gale in the *Zeitgeist*: A Bell Curve or a Bean Ball?....165
*Larry A. Greene*
More on Affirmative Action....179
*Hugh Murray*
Reflections on a Fairy Godfather....195
*Aviezer Tucker*
Canada in Crisis....203
*Mark Wegierski*

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

# new german critique

*an interdisciplinary journal of german studies*

*editors:* David Bathrick, Biddy Martin, Miriam Hansen, Andreas Huyssen, Anson G. Rabinbach and Jack Zipes

***New German Critique*** is the first American journal to develop a comprehensive discussion of German politics, social theory, art, and literature on an international level.

**Number 69** **Fall 1996**


Special Issue on:

## *Richard Wagner*


*David J. Levin*: Wagner and the Consequences

*Slavoj Zizek*: Wagner as a Lacanian

*Christina von Braun*: Wagner: A Poisonous Drink

*Marc A. Weiner*: Reading the Ideal

*Susan Bernstein*: In Formel: "Wagner und Liszt"

*John Deathridge*: Post-mortem on Isolde

*David J. Levin*: Antisemitism and Aesthetic Practice

*Elisabeth Bronfen*: Kundry's Laughter

*Michael Steinberg*: Music Drama and The End Of History

*Andreas Huyssen*: Monumental Seduction



Personal one-year subscriptions cost $30 in the US and $34.50 elsewhere. One-year institutional subscriptions cost $70.00 in the US and $80.50 elsewhere. Make checks payable in US funds, drawn on US Banks. Back issues are $13.00 each. Institutions pay $30.00. All back issues are still available. Send all correspondence to:

***Telos Press, 431 E. 12th Street, New York, NY 10009***

tel: 212-228-6479 fax: 212-228-6379



LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

# *Introduction*

While a definitive evaluation of the 20th century may still be premature, it is becoming increasingly clear that several preliminary judgments concerning its nature are utterly inadequate. Despite widespread liberal-democratic gloating, the defeat of Nazism and fascism in WWII and the erosion of the components of the old USSR into geopolitical irrelevance through the Cold War are not likely to mark the end of an era — yet. That watershed will probably have to wait for the further decline and eventual disappearance of the last specimen of those post-Enlightenment social systems described by the original Frankfurt School as "totally administered societies." Although it has lost much of its earlier appeal as a result of the discrediting of its main tenets as either sexist or self-contradictory, the liberal project of realizing the bourgeois ideals of "*liberté, fraternité, egalité*" through social engineering, first by annihilating all the social and cultural particularities typical of the *ancien régime*, and then by attempting to reconstruct the remaining anthropological units into abstract individuals through the manipulation of social institutions, is far from over.

Already in the first part of the century, fascism, aware of liberalism's severe limitations, sought to reconstitute concrete cultural particularity through artificial corporate structures organized within broader nationalist frameworks. WWII put an end to most of those experiments and their expansionist ambitions. In all likelihood, however, these efforts, along with their Nazi variation — substituting "race" for "nation" — would probably have failed on their own, even if they could have avoided defeat on the battlefield. The arbitrary substitution of the mythology of nation and race for disintegrated or disintegrating traditional structures, along with the increasingly authoritarian micro-management of social relations, would have eventually impeded the reproduction of that concrete individuality whose demise generates potentially terminal social pathologies. That is precisely what happened with communism. The state-dependent individuality spawned by a tendentially omnipresent and increasingly



LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

counterproductive bureaucracy was unable to sustain the shift from a labor-intensive to a capital-intensive advanced industrial society, as well as provide the kind of negativity necessary to regulate the system or insure a minimal system rationality. Fatally burdened by wasteful defense spending impossible to transform, as in the West, into the kind of military Keynesianism responsible for Reagan's debt-ridden but otherwise "opulent 1980s," the increasingly stagnating USSR had no choice but to relent its grip on socio-economic relations and allow the spontaneous development of autonomous activities rationalized not by the heavy hand of a self-serving central bureaucracy, but by its own negativity. The first tentative attempts to bring about *glasnost*, however, immediately paved the way for *perestroika* and, eventually, the disintegration of the entire apparatus of bureaucratic centralism.

Both fascism and communism were ultimately doomed, not because of the repressive character of their "totalitarianism" (although it did help) but by the rapid modernization forcibly imposed by their unscrupulous rationalizing elites. By disrupting fundamental relations in the cultural lifeworld, this authoritarian modernity undermined the possibility of social reproduction in normal situations not totalized by emergency conditions; hence the crucial role of permanent military mobilization in guaranteeing these systems' stability and legitimacy. Thus, the malignant cancer of modernity is not primarily that authoritarianism or totalitarianism routinely demonized to sharply differentiate Western democracies from alternative systems, but an homogenizing and rationalizing bureaucratic centralism common to all. In this sense, far from legitimating liberal democracy as the one and only viable political system, the failure of competing alternatives may well prefigure its imminent demise.

In view of the apparent stability of liberal democratic systems, such a claim seems, at best, a wild exaggeration. Yet this socio-political stability, flaunted by its apologists as the result of these regimes' *progressive* character, may actually be due to precisely the opposite: these systems' residual *kathéchontic* features. This would explain the much quicker demise of competing systems, all of which were immensely more *progressive* than social democracies — at least in the sense that they implemented immensely greater radical changes faster and more effectively than any of the latter. Respect for individual rights, lingering democratic traditions of subsidiarity, and relatively strong local cultures combined, throughout the 20th century, to retard, within liberal democracies, the institutionalization of those "progressive" developments which in other, more aggressively modernizing

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

societies have resulted in such catastrophic socio-economic consequences.

Such a *prima facie* reactionary thesis must grate against a modernist consciousness which has yet to come to terms with its uncritically inherited *modus cogitandi*. Rejected only in the abstract, and thus still internalized as an inextricable metaphysical axiom, secularized Christian eschatology hounds modern consciousness as a unilinear theory of history and a deeply-held belief in the inevitability of a "progress" whose *telos* remains unstated, thus instrumentalizable by whatever ideology can convincingly fill the blanks. Since the French Revolution, the blanks have been filled by liberal ideologues or their functional New Class equivalent, whose projects of social reconstruction have largely been *imposed* on society rather than deployed democratically and thus effectively internalized.

20th century "progress" has meant the bureaucracy's social engineering of an often recalcitrant population, generating an officially unacknowledged conflict between liberalism and democracy, legality and legitimacy or, in more fashionable sociological terminology, between system and lifeworld. Within such a context, the 20th century appears less the triumph of liberal democracy than a series of failures of New Class efforts to create the "new man" needed by advanced industrial society and its equivalents — either as communism's "social individual," Nazism's racially pure Aryan, fascism's national type, or liberal democracy's culturally undifferentiated "citizen." This is reassuring, for as Gramsci indicated early on in his seminal essay on "Americanism and Fordism," the success of such projects would have spelled the end of any hope to develop a viable, truly self-determining society. Subjectivity either develops spontaneously and organically, both at the mimetic and the symbolic levels, or it ends up distorted into the kind of sub-individuality able to function only in the various versions of "Brave New World" developed during this century.

The hidden costs of this "progress" in terms of community disintegration, psychological dysfunction and a deteriorating quality of life in the midst of statistical opulence increasingly trigger periodic calls for an impossible return to an idealized past, whose futility initially retards "rationalization," but eventually, after having exhausted itself in a variety of abstract negations, ends up relegitimating the lethal logic of modernity as the only viable option. Thus, liberal democracy's survival may owe its survival not to its superior "progressive" character, but to its residual democratic features (e.g., the mandatory social ratification of public policies by a reluctant citizenry). While unable to translate its unease and uncertainty

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

about the implications of these policies into viable alternatives, this citizenry has successfully retarded, within political contexts where its voice has not been forcibly stifled, the unfolding of that destructive "dialectic of enlightenment" resulting in the demise of less restrained social systems. Contrary to liberal Panglossian projections concerning the imminent achievement of heaven on earth as soon as a few remaining minor social dysfunctions are successfully social-engineered out of existence, the prospects for social democratic regimes seem to be increasingly crisis-ridden. This is the main thesis of the opening article concerning Canadian politics. Notwithstanding the fact that it is one of the wealthiest and most stable countries in the world, Canada has been teetering on the verge of disintegration and bankruptcy as a result of the successful deployment of a massive project of social engineering by an extraordinarily clever liberal democratic elite over the past three decades.

On closer examination, however, the threat of national disintegration turns out to be essentially a displaced rejection of liberal-democratic social engineering. Within a context where the main political agents are competing provincial and federal New Class elites, the conflict became a zero-sum jurisdictional dispute camouflaged as a question of "national sovereignty" — all this at a time of rapid globalization, when national sovereignty is becoming increasingly irrelevant. What has prevented this political comedy of errors from deteriorating into any of a variety of equally undesirable resolutions is that the liberal-democratic project of rationalizing the Canadian confederation into a homogeneous nation-state was carried out by unprecedented federal spending resulting in a huge national debt. This debt now poses serious objective limits not only to further federal expenditures but also to existing ones. Consequently, the gradual dismantling of the massive federal welfare system is no longer merely one option among many, but the only alternative — despite the formidable and usually unbeatable opposition of the entrenched bureaucratic apparatus deriving its power from the burgeoning welfare state and the direct beneficiaries of its programs unwilling to forfeit its addictive "entitlements."

What makes the Canadian case paradigmatic, prefiguring the trajectory of other Western liberal democracies, is that it is one of the most liberal and peaceful countries the world today, routinely rated by international bodies such as the UN as the most livable place on earth, thus one in which the long-range liberal democratic strategy of modernization, rationalization and homogenization would have been most likely

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

to succeed — *were it at all viable*. In other words, far from being merely an epiphenomenon of its idiosyncrasies, Canada's political, social and economic antinomies are typical of all welfare states besieged by growing national debts and system-generated problems manageable only through massive state expenditures. The equally unacceptable options within the confines of present political arrangements are raising taxes and, therefore, potential economic stagnation, taxpayers' revolts and legitimation crises, or a substantial downsizing of the public sector resulting in an intensification of already severe social problems. Within such a difficult context, it may be necessary to re-think the ideological and programmatic presuppositions of liberal democracy, and to re-consider alternative options for social and cultural reconstruction presently banished from public discourse by the increasingly unwarranted belief in the perfection of liberal politics and existing bureaucratic-centralist arrangements.

This search for alternatives, however, is inhibited by a widespread conformism unwilling to break with the logic of the given — a conformism not confined to any particular school of thought, but pervading every crevice of current academic culture. Three other articles in this issue exemplify this state of affairs, respectively articulating a pre-modernist, a modernist and a post-modernist version of this intellectual predicament. All three end up, in various ways, drawing conformist conclusions which do not necessarily follow from their own arguments, but ultimately relegitimate predominant, liberal-democratic tenets such as conventional morality, abstract individuality and universalism.

Anthony M. Matteo's defense of moral realism recycles an Aristotelean-Thomism to vindicate a *particular* interpretation of conventional morality by turning it into an extension of natural law — a highly problematic pre-Kantian or even pre-Cartesian tradition inextricably bound with idiosyncratic theological assumptions confusing concepts and objects. This is not the place to rehash four centuries of modernist philosophical polemics against dogmatic Scholasticism, or to discredit the 1950s-vintage philosophy of science view that knowledge (including, first and foremost, scientific knowledge) is primarily *discovery* rather than *creation* (in which case Adam and Eve would have known much of what there is to know immediately after having carried out their first inventory of the Garden of Eden). What is interesting is that, contrary to his own questionable arguments predicated on the "obviousness" of certain moral views, the author does not draw the logical conclusions but proceeds to relegitimate a *particular* view of conventional morality as based on actual social practice.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

To the extent that there is no univocal, culturally-neutral moral "obviousness" (since burning witches, human sacrifices, clitoridectomy, abortion, etc., have all seemed morally "obvious" to a great many people at various times), a coherent moral realism would have to acknowledge this state of affairs and recognize, with Giordano Bruno (who was burned at the stake for holding such a view) that there are a plurality of "worlds" or worldviews emanating from different cultures. Since "what ought to be" is not a function of "what is," and ethical norms are inextricably bound with particular cultures and traditions, to be a coherent moral realist today means to be a cultural relativist. Thus, rather than attempting to recycle philosophical debris such as natural law or *one*'s "conventional" morality, an undogmatic moral realism would lead to challenging the universalist assumptions of social and political theory.

Modernism takes moral relativism as a social fact and, as Finn Bowering shows in his reconstruction of Jürgen Habermas' social theory, attempts to reconcile fundamental differences by reaching a rational consensus. However, as in premodernism, the universalistic horizon leads to a degeneration of the initial plea for consensus to *de facto* social manipulation. As in Kant, where universalistic Christian morality is rejected at the front door only to be allowed in as the categorical imperative through the backdoor of a metaphysics of presuppositions, Habermas claims no theological foundations. His universalism, however, is immediately relegitimated as the necessary preconditions for any possible discourse.

While "free speech" (or Habermas' "domination-free discourse") was a Western ideological weapon against "the evil empire," today this account has suddenly become anachronistic. Furthermore, in a post-1989 context, "the poor," "the underclass," "the indigents" (or whatever other sociological category is used to describe them) cannot participate in *any* discourse — "domination-free" or otherwise. Their positions are systematically mediatized by self-appointed liberal spokespeople with explicit or implicit extraneous agendas. It is self-serving for intellectuals to relegate politics to "domination-free rational discourse" and therefore systematically exclude them. For Habermas, the problem of advanced industrial society is identified as the impoverishment and colonization of the lifeworld, which can only be solved through its rationalization, i.e., by having rational discourse re-establish a continuity between system and lifeworld. In other words, intellectuals identify and talk out of existence those disruptive features of the system which impede the reproduction and cultural integrity of the lifeworld — not by focusing on the conditions which

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

would allow it to develop freely and coherently, but by "rationalizing" it so it can more effectively respond to system-induced disruptions.

Bowering shows the extent to which Habermas' lifeworld is all "world" and no "life." Far from having anything to do with the concept of the lifeworld as the world of lived experience originally developed within the phenomenological tradition (which is why Husserl initially called it the *Erfahrungswelt*), Habermas' lifeworld is but another metaphysical deduction, i.e., a residual vessel to contain all the messy experiential junk his otherwise neat sociological categories fail to capture. Most of all, Bowering argues, what ends up occluded is the lifeworld's most important characteristic: its corporality and freedom, which are actually the essential dimensions of social life. Unfortunately, all Bowering can come up with as an alternative to this wooden Teutonic construction is an updated version of that vintage existentialism unable to differentiate between those who shoot Arabs for the hell of it and Mother Theresa. Retooled as Touraine's anachronistic dissident forever struggling against an all-encroaching and tendentially totalitarian system, Bowering's "subject" also appears hopelessly stale. Thus, when all is said and done, the contraposition of Habermas' loquacious intellectuals "discoursing" society into Nirvana and Touraine's re-run of the "rebel without a cause" comes across as the sociological equivalent of an old 1950s Japanese monster movie: "Son of Hercules vs. Godzilla."

Trapped in a frozen bipolar world which no longer exists, both accounts assume the perpetuation of that universalist horizon — the *status quo*. In a world besieged by various dogmatic fundamentalisms, AIDS, narcotics and generalized homelessness, both accounts — hypostatizing either domination-free discourse or bohemian individuality — are hopelessly beside the point. Bowering's deployment of existential phenomenology, however, is promising, as long as he goes beyond Sartre or Camus *circa* 1940 and develops a more substantial analysis through, e.g., Husserl's fifth Cartesian Mediation (which develops the theme of intersubjectivity), or the second volume of *Ideas* (where the concept of corporeality is articulated). Then Touraine's new and improved "rebel without a cause" and the unemployed post-communist dissident would discover subjectivity not in absolute freedom (which, as Hegel showed, is ultimately equivalent to terror) but in that cultural intersubjectivity everyone inherits, *nolens volens*, as members of a particular community.

Far from being constituted merely through discursive means or irreducible acts of absolute freedom, intersubjectivity and individuality are

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

constituted in the lifeworld of particular "really-existing" communities not only through the symbolic dimension, but primarily through the kind of *mimesis* Adorno prefigured in the closing, unfinished, pages of his *Aesthetic Theory*. As such, the distinguishing characteristic of individuality is cultural particularity. While premodernists dogmatically posit a world governed by universally valid natural laws, where moral choices are "obvious" and determined by the appropriate natural law statutes; and modernists either celebrate or rebel against the alleged universal validity of consensually-reached bourgeois norms; postmodernists acknowledge the inherently contingent particularistic nature of cultural frameworks. Tied to the welfare state, however, postmodernists articulate their cultural relativism as multiculturalism, i.e., a *de facto* corporatism within liberal-democratic confines. As a result, their political conformism and opportunism is even more pronounced than in premodernists and modernists.

In the third of the three articles mentioned, Wolfgang Palaver's reading of Carl Schmitt's concept of *nomos,* the plea for universalism is explicit. Unlike modernist universalism, however, Palaver's brand is *nomological*, i.e., explicitly constituted through a particular cultural tradition, and it manages to achieve the same universalist results only as the *particular* characteristic of a *particular* cultural tradition. In making such an argument, however, Palaver takes far too many liberties with Schmitt's account. By overemphasizing its religious component within a highly questionable Girardian framework, he ends up hopelessly distorting the original concept and compromising whatever critical import it may have had.

A seminal work yet to be carefully studied and fully appreciated — especially in the English-speaking world where no translation of it is yet available and, at any rate, the predominant intellectual climate is strongly opposed to its main tenets — Schmitt's *Der Nomos der Erde* not only traces the history of Western law, but prefigures a cultural theory in sharp opposition to liberal universalism and, therefore, predominant academic ideology. Predicated on Schmitt's earlier decisionism and his concept of the political, *nomos* is presented as the historically contingent geo-political organization resulting from particular peoples' collective decisions to posit themselves as political entities. Unfolding as appropriation-distribution-production, this *nomos* is holistic in character and territorially grounded within particular geographic boundaries. It is inextricably bound with a people's developing cosmological framework and articulated as its particular mythology, social institutions, language, legal structure, religion, etc. Schmitt traces the history of this geopolitical framework through its first major reconstitution

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

with the discovery of America and the expansion of its original continental limitations, the rise and fall of the *ius publicum Europaeum*, and the present predicament characterized by the lack of a new *nomos*.

Originally formulated within the historical context of WWII, these concerns were clearly connected, first, with the question of the kind of international order that would come about in case Germany did win the war, and subsequently, after the allies' victory, with what international order would result after the conclusion of the Cold War. Schmitt's main worry was liberal universalism, whose ultimate triumph in the establishment of a global government he saw as the end of all politics and the imposition of the most pervasive totalitarianism. Hence he presented the possibility of competing *Großräume* — essentially, federal structures dominated by the most prominent member of the federation — as a preferable alternative. Otherwise, the end of politics would mean the end of all negativity and with it the global institutionalization of a "totally administered society" run by a New Class of managers and bureaucrats deploying their knowledge and expertise as a new and immensely more pervasive means of social domination. Since culture is created, produced and internalized primarily within the mimetic dimension — a dimension obtaining in concrete intersubjective interaction both at the verbal as well as the preverbal (or preconceptual level) — globalization and deterritorialization would also mean the reduction of all culture to the purely symbolic level, and therefore its deterioration from a formative, lived experience of acculturation (the old *Bildung*) into pure manipulation at the hands of the agents of world government. Adorno described a similar predicament as he developed his thinking from the logic of the culture industry in the mid-1940s to the prefiguration of a mimetic aesthetics in the late 1960s.

Palaver focuses on the original (and lingering) *territorial* character of *nomos* and suggests that this is the source of Schmitt's anti-Semitism. Since all cultures must be organically located in a particular territory which conditions it and ascribes to it its unique character, Palaver concludes that such a concept of *nomos* must necessarily demonize the Jews as New Class agents *par excellence*. Since the Jews (at least, until 1948) were a people without a particular territory, they had to opt for the kind of abstract, deterritorialized cosmopolitanism predicated precisely on the type of globalism and abstract universality Schmitt had already identified as the political *fons et origo malorum*. Such a reading does not work, for reasons clearly spelled out in Gary Ulmen's reply.

Schmitt's anti-Semitism was never part of his general theoretical

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

framework. As has been often indicated, it was a purely personal, opportunistic gambit meant to ingratiate him to the new Nazi regime in order to secure career advancement, recognition and the usual accoutrements of power. His occasionally extraordinary anti-Semitic panderings (e.g., his mid-1930s essays on "Der Führer schüzt das Recht" or "Führertum als Grundbegriff des Nationalsozialistischen Rechts") were motivated by Schmitt's need to establish his Nazi credentials. After all, he was not merely one of the many opportunistic "Johnny-come-latelys" on the Nazi bandwagon, but probably Germany's most brilliant and well-known jurist who, up to the 1933 Nazi take-over, had vigorously argued for the legality of the application of Article 48 of the Weimar Constitution by the Chancellor to keep the Nazis and the communists out of power by whatever means necessary, including *force of arms.*

Palaver's Nazification of Schmitt's concept of *nomos* is not meant to discredit one of the more seminal political ideas in the 20th century, but has other, even more questionable, objectives. He is not content to dismiss Schmitt's account of *nomos* as merely a Nazi peccadillo, but goes on to reinterpret it idiosyncratically to legitimate a peculiar Girardian reading of Christianity and advocate precisely the kind of universalism Schmitt opposed. Palaver is careful to particularize this universalism politically by redefining world government as "some kind of world confederation," since he realizes that "regionalism and small local communities are essential for a decent world." Fair enough. Yet, there is no compelling reason for such a confederation or cluster of confederations to be held together by Christian universalism: it can conceivably include Muslims, Hindus and other "infidels" wanting nothing to do with Christianity but willing to participate in a political organization predicated solely on the particular clauses of whatever constitutional contract the various potential members of the confederation agree on.

Palaver, however, is not so crudely ethnocentric as to want to shove Christianity down everyone's throat. Rather, he redefines it as a paradigmatic case of religion understood in terms of Girard's theory of the sacrificial origins of religion, the universality of the scapegoat mechanism, etc. As such, the *particular* cultural roots of Christian universality are but a special case of the genesis of religion as such, thus necessary characteristics of all possible religions. It is impossible here to go into detail concerning the problems with this account. Suffice to say that Girard's apotheosis of the crucifixion as the *sine qua non conditio* for sacredness is not convincing and, at best, comes across as a contingent historical event

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

(or the mythological codification thereof) impossible to generalize to all possible manifestations of religion in order to legitimate a particular axiological framework.

Even in the event such a generalization were tenable, it would remain unwarranted to hypostatize the message of the Sermon on the Mount, regardless of its inherent merit, as "the truth," binding for everyone everywhere. A more humble acknowledgment of the autonomy and legitimacy of particular cultures would have to deal with their mythologized religious origins in a rather different way: not by reducing them to particular instances of some universal logic of the genesis of religion (which may or may not be true) but by limiting the validity of their axiological content solely to those believers for whom that particular mythological cluster was culturally constitutive. If Christian love is indeed the wave of the future, as Palaver claims (although it is not exactly new, having been around already for almost two millennia), then its acceptance will have to come about either through persuasion (thus as another stipulation in the confederal constitutional contract among these various differing cultures) or through other cultural traditions reaching this conclusion independently, as part of their own axiological tenets.

While today religion everywhere seems to be stronger than ever, it is also in intellectual trouble as never before. In an age of advanced secularization, it is impossible to follow a particular faith as if it were but another manual providing detailed instructions as to how to put together some gadget. Rather, religion can thrive coherently in the postmodern world only by reenacting its mythological genesis and structure in rituals whose main message is transmitted mimetically rather than symbolically, to be directly felt and experienced as a constituting part of one's very being rather than merely conceptualized. The mythological foundations of culture — its *arcanum* — play a key role in constituting a holistic axiological horizon, which is lost if reduced solely to its conceptual components. Hence Palaver's attempt to Christianize the new *nomos* cannot possibly work. It sociologizes religion's mythological origins and reduces its content to a telegraphic message whose mimetic poverty prevents it from fulfilling its universal objectives.

If the new *nomos* of the earth is to consist, as Palaver argues in his more lucid political moments, of a "cluster of confederations" predicated on "regionalism and small local communities," it will have to be immensely more Schmittian and considerably less Girardian. The new *nomos* should safeguard cultural particularity, not universalize the Sermon

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

on the Mount. Also, it will have to make a place for "infidels," if it is to avoid a reenactment of the religious civil wars which ushered in modernity in the 16th century. Otherwise, given Western intellectuals' desperate efforts to replace discredited communists with Islamic fundamentalists as the new legitimate enemies (to forestall dismantling the welfare-warfare state), the 21st century may well also be characterized first and foremost by bloody civil wars.

On a more limited level, this issue also includes a special section on affirmative action which, far from being merely a question of the propriety and scope of some relatively insignificant social policies, ultimately involves some of the previously discussed problems of articulating social justice within liberal democracies and the actual impact of government intervention to administratively solve fundamental social and cultural conflicts.

***Paul Piccone***

*new* left *review* 217

**THE "EAST ASIAN MIRACLE"**

**Robert Wade** – The World Bank and the Art of Paradigm Maintenance; **Eric Hobsbawm** explains why Identity Politics undermines the Left; **Mike Davis** reports on the permanent revolution in the Earth Sciences; **Paul T** investigates the building industry; **Finn Bowring** discusses how Gorz is misread; **Tobias Abse** assesses the Left's victory in Italy; **Roy Edgley** reviews anarchy in academia; **Mary Mellor**, **Ariel Salleh** and **Cecile Jackson** debate ecofeminism.

SPECIAL OFFER
FREE BOOK *plus* FREE BACK ISSUE

ANNUAL SUBSCRIPTION
(six issues)
INDIVIDUALS: US$47 CAN $54
INSTITUTIONS: US$93

CREDIT CARD HOTLINE
800 688 6247
Fax: 908 396 1492

Send to: New Left Review,
120-126 Lavender Avenue,
Mitcham, Surrey CR4 3HP, UK

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

# *Secession or Reform? The Case of Canada**

Paul Piccone

Today it is generally acknowledged that 1989 not only closed the 20th century prematurely, but also marked a major turning point in modern history. While there is hardly disagreement concerning the nature of the bipolar world left behind, accounts of the geopolitical configuration of what has replaced it have all failed, in various ways, to capture the dynamics of new post-Cold War political realities. Both apologists for the liberal-democratic *status quo*, who celebrated the alleged end of history, and old leftists, who foresaw nothing but more misery and exploitation as a result of the now unopposed expansion of American imperialism, deduced their conclusions from questionable ideological premises and, more importantly, on the basis of shared misconceptions about exactly why the USSR collapsed. If it was merely the result of the system's authoritarian — or even "totalitarian" character — and of the inflexibility of a corrupt, wasteful command economy under strict party control, then neither side had anything to worry about. Thus, the Left concluded that there was really nothing fundamentally wrong with socialism that could not be remedied by some internal liberalization — hence the renewed interest in the early 1990s, before it also went into Chapter 11, for the Swedish model — while liberal-democrats and Right-wing critics simply saw the new turn of events as confirmation of what they had claimed all along: there is no alternative to existing market economies within

---

* A considerably edited version of this article has appeared in Italian in *Ideazione*, Vol. III, No. 4 (July-August 1996), pp. 57-70. For an earlier discussion of these problems, see Paul Piccone, "The Case Against Liberal Federalism and Protectionism — Reply to Johnston," in *Telos* 93 (Fall 1992), pp. 27-42.



LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

a generally open secular society in "this, the best of all possible worlds."

Unexpected post-1989 events suggest that these self-congratulatory accounts may have been too simplistic. In addition to being obvious self-serving exercises in ideological legitimation, they provide no clue as to what has happened since to "the New World Order." The crisis of most Western welfare states, the explosion, or the threat, of various civil wars — or even the reappearance of genocide — may be taken to mean that the history of most of the 20th century is in need of a radical reinterpretation, away from standard Cold War readings of two fundamentally incompatible systems struggling for world hegemony. The intensifying crisis of the welfare state after 1989 — a predicament the Cold War itself had inhibited — indicates that maybe it was only a matter of a fratricide struggle between two variants of the same basic bankrupt statist paradigm and that the collapse of the USSR was due primarily to the fact that their system of bureaucratic centralism was much more advanced — and therefore more degenerate — than in the rest of the West. While the deployment under communism of brutal, repressive internal measures to achieve statist objectives, as opposed to the American and West European efforts to prepare its introduction by preliminarily building a voluntary consensus, makes all the difference in the world — especially from the viewpoint of the victims of Soviet repression — the basic logic remains the same. They are both offshoots of that Enlightenment ideology predicated on an abstract reason and an equally abstract humanity which, given the right type and amount of social engineering, can be reconstructed according to a variety of ideal social models. Within such a framework, culture is reduced to a secondary attribute: a mere superstructural epiphenomenon of more structural economic dynamics. Increasingly trivialized since the Enlightenment as residual, and therefore subject to inevitable periodic rationalizations determined by scientific and technological advancements — culture has not followed this modernist script and remains a stubborn falsification of the inevitability of the liberal version of the "Brave New World" of culturally homogenized and depoliticized consumers.

The trajectory of recent Canadian history presents a perplexing refutation of this modernist utopian scenario. One of the world's most affluent and peaceful nations, with a comparatively insignificant military budget and practically open borders, at the end of the 20th century Canada finds itself at the brink of fiscal bankruptcy and national disintegration. This has happened not because of "subjective" failures in realizing an otherwise "objectively" correct project — the standard excuse of Marxist-Leninists for whatever

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

happened to go wrong up to and including the collapse of "really existing socialism" — but for the exactly the opposite reason: because everything went pretty much according to plans. A vast, efficient welfare state was deployed, the country finally achieved full national autonomy; if anything, Canada's international stature was enhanced, and diplomatic relations with Southern neighbors could hardly be better. Precisely because of this paradoxical predicament, Canada deserves close scrutiny. It provides a striking example of what most advanced liberal democracies — as well as less advanced countries seeking to emulate them — can expect if they succeed in their various projects of rapid modernization along strictly Western lines.

### *The Dialectics of Pseudo-Nations*

Contrary to standard liberal eschatology postulating the gradual organization of various peoples into ever more homogeneous nation-states (subsequently aggregated into a global governing body already prefigured by the likes of the League of Nations or the UN),[1] today's predominant trends point more and more in the opposite direction. Thus, having lost its Cold War mediational role and unable to undertake any action independently of US military muscle, the UN seems to have outlived its usefulness

---

1. As he himself emphasizes and his critics constantly point out, from the very beginning this has been the kind of vision Pierre Elliott Trudeau has tried to institutionalize in Canada. Already in 1962, he relegated the nation-state to a "transitory stage in world history," not because Canada was too large and heterogeneous to totalize its many peoples and regions within a centralized political body, but on the arbitrary assumption of the unity of humankind entailing the inevitable obsolescence of Canada and its eventual reconfiguration within a broader global organization. See Pierre Elliott Trudeau, "La Nouvelle Trahison des Clercs," in *Cité Libre* (April 1962), Vol. 13, No. 46, p. 15 (reprinted in English in his *Federalism and the French Canadians* [Toronto: Macmillan, 1968]). The main problems with this seemingly unobjectionable cosmopolitan approach are a tendency to obliterate politics, reduce the axiological dimension to mere administration, and homogenize all of humanity — prefiguring a covert totalitarian predicament. For a systematic critique of the depoliticizing and totalitarian implications of this perspective, see Carl Schmitt, *La Unidad del Mundo* (Madrid: Ateneo, 1951) and "The Plight of European Jurisprudence," in *Telos* 83 (Spring 1990), pp. 35-70, where it is argued that "the confusion of tongues will prove to be better than a Babylonian unity," i.e., that the persistence of qualitative differences is preferable to artificial aggregations and false unities. It is not an accident that, in dismissing national particularities as politically irrelevant, Trudeau also hypostatized administration over politics and proposed that "good government" may well be "a damned good substitute for national self-determination" (*ibid.*, p. 4). See also See Pierre Elliott Trudeau, *Memoirs* (Toronto: McClelland & Stewart, 1993), esp. pp. 72ff. For summary accounts of Trudeau's political philosophy, see Andrew Stark, "English-Canadian Opposition to Quebec Nationalism," in R. Kent Weaver, ed., *The Collapse of Canada?* (Washington, DC: The Brookings Institution, 1992), pp. 127-134; and Peter Brimelow, *The Patriot Game: Canada and the Canadian Question Revisited* (Toronto: Key Porter, 1986), pp. 61-77.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

and is deteriorating into a mere appendage of US foreign policy with no clear independent mandate — especially after its Somalia and Bosnia fiascoes. Even the much-celebrated project of European unification, generally regarded as irreversible and practically in place only a few years ago, is now mired in a plethora of seemingly insurmountable economic and political antinomies. Unlike in the recent past, when geopolitical imperatives could readily override particularistic concerns and compel administrative compromises, now internal uncertainties as well as lack of urgency have stalled efforts to bring about unification.[2] It is no longer immediately obvious that the price exacted at the local level is always warranted by the advantages of closer European ties — at least not in the form they were increasingly being proposed, modeled more along the lines of a centralized American-style federation than of a decentralized confederation such as Switzerland.

Secession and disintegration, rather than broader socio-political aggre- gation, increasingly seems to be on the agenda of many countries, some of which had earlier been praised as models of national unity. Not only have the USSR, Yugoslavia and Czechoslovakia come apart in the wake of the collapse of communism, but separatist movements are currently entertaining secession as an option in a number of stable liberal

2. Predicated, first, on the attempt to develop a European "third way" before the USSR's *de facto* unconditional surrender ended the Cold War, and then, with Maastricht, on the need to contain a powerful unified Germany within a broader political framework, the architects of European unification never questioned the legitimacy of the nation-state. They only sought to develop and extend its scope. With the fading of the *Realpolitik* originally motivating it — the attempt to construct a third superpower to compete effectively with the US and the USSR — the project as first formulated is now increasingly problematic. Not only is it becoming painfully obvious that hardly any of the member nations will be able to meet the rigorous conditions for full membership, but German reservations over trading in the mark for an undifferentiated common currency, French lingering worries about German hegemony, and traditional rivalries constantly fueled by incidents such as the recent "mad cow disease," call into question the very idea of basing unification on existing European nation-states. Because of all this, "the idea of a 'post-nation' Europe is now gradually emerging," i.e., the need to re-think European unification on political bases other than existing nation-states. See François Bazin and Joseph Macé-Scaron, "Maastricht Val Bene una Messa," in *Ideazione*, Vol. 3, No. 4 (July-August 1996), p. 206. When, in the early 1990s, the Parti Québécois suggested the framework for European unification as a possible solution for Canada's seemingly endless constitutional tribulations, that model was criticized, among other things, for being far too centralist. See G. Bruce Doern, *Europe Uniting: The EC Model and Canada's Constitutional Debate* (Toronto: C.D. Howe Institute, 1992). The much less ambitious confederal model that seems to be emerging, however, may very well be more appropriate to accommodate not only the needs of smaller, local and regional units, but also those of countries such as Canada, forced by the huge national debt to drastically cut federal spending and therefore either cut programs altogether and/or shift power and functions from the federal center to the provinces.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

democracies such as Canada, Spain, France, Belgium, Great Britain, Italy, and even in the territorially downsized Russia Federation. Unlike new Third World countries endemically besieged by this type of political conflicts — countries whose territorial configuration was originally the self-serving invention of former colonial powers — the threatened disintegration of these far more solid and historically rooted post-industrial societies cannot be dismissed as mere temporary growing pains in an otherwise smooth and inevitable process of nation-building. Rather, they are more likely the symptoms of serious pathologies affecting *all* political formations that in the past half century have developed elaborate welfare states — especially those attempting to bring about or complete political unification by deploying ambitious programs of social or economic development, financed primarily through deficit spending.[3]

Massive state intervention has serious unintended consequences. It leads to an erosion of traditional normative infrastructures, the real social glue that keeps communities together, resulting in a deterioration of the quality of life and the deployment of costly modes of social controls (extensive regulatory legislation, more police, specialized governmental agencies, etc.). With the passing of ever more formal legislation to regulate spheres of life hitherto governed by traditions and customs, the legal system becomes so overloaded, both in terms of growing rules and regulations (what Schmitt described as the effects of legal positivism[4] and "motorized

---

3. The role of the welfare state in nation-building is readily acknowledged by most nationalists — especially in countries such as Canada, where national identity is almost entirely a function of welfare state policies, i.e., the central redistribution of "wealth and opportunity through a strong public sector." Thus, it is no secret to Canadians that "the public sector . . . is crucial to the maintenance of the nation-state." See Maude Barlow and Bruce Campbell, *Straight Through the Hearth: How the Liberals Abandoned the Just Society* (Toronto: HarperCollins, 1995), p. 30. According to the authors, "creating a social Canada was the single most important act of nation-building in the last half century" (*ibid.*, p. 151). Gwyn is even more explicit: to be "Canadian means maintaining our distinctive social contract: limiting the number of the poor amongst us even at the cost of limiting the number of the rich." See Richard Gwyn, *Nationalism Without Walls: The Unbearable Lightness of Being Canadian* (Toronto: McClelland & Stewart, 1995), p. 62.

4. See Carl Schmitt, "The Plight of European Jurisprudence," *op. cit.*; and *The Crisis of Parliamentary Democracy*, tr. by Ellen Kennedy (Cambridge, MA: MIT University Press, 1985). Schmitt traced these dynamics to the establishment of European parliamentary regimes in the early 19th century. Only with the launching of the welfare state and the resulting exponential growth of governmental functions in the 20th century, however, did this process lead to major legitimation crises. See also Carl Schmitt, "Legalität und Legitimität" in *Verfassungsrechtliche Aufsätze aus den Jahren 1924-1954. Materialen zu einer Verfassungslehre* (Berlin: Duncker & Humblot, 1973), pp. 263-345.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

legislation") as well as enforcement mechanisms, that it creates legitimation deficits leading to a whole series of unexpected problems. To the extent that the legal structure now becomes too extensive and self-contradictory to be readily internalized by the citizenry — hence automatically accepted — compliance deteriorates to mere expediency, i.e., it becomes a question of what one can get away with, rather than "doing what is right." As a result, lawlessness loses its previously obvious immoral character, leading to a generalized normlessness which overtaxes and weakens already overextended enforcement agencies.

Massive state intervention also leads to so much borrowing that just the costs of servicing the resulting national debt severely limits political options[5] and eventually threatens to bankrupt the countries involved.[6] This is precisely the predicament of the two countries which, in the attempt to complete nation-building, have managed to accumulate the

---

5. Lacking the urgency of crises such as wars or natural disasters, the usual justification for imprudent deficit spending in peacetime is that the resulting growth will generate high enough revenues to repay the debt. It has not turned out that way. Not only do these deficits mortgage the future, they limit further growth long after spending is successfully reduced to the level of incoming revenues. Thus "during the last twenty years . . . the real growth in government expenditures [in Canada] has come not from program spending but from interest payment on the debt." Barlow and Campbell, *op. cit.*, pp. 211 and 82. Already by 1990, 40% of the Canadian budget went to servicing that debt. See David Jay Bercuson and Barry Cooper, *Deconfederation: Canada Without Quebec* (Toronto: Key Porter, 1991), pp. 33 and 37ff. This state of affairs has not only limited drastically the government's "ability to initiate new programs," but has necessitated a level of taxation so high that the Canadian economy is ceasing to be internationally competitive — especially *vis-à-vis* more fiscally frugal and powerful neighbors such as the US. See Hans-Hermann Hoppe, "Small is Beautiful . . . and Efficient: The Case for Secession," forthcoming in *Telos*.

6. This is a distinct possibility even in as developed a country as Canada. Shortly after the collapse of the Mexican currency in late 1994-early 1995, there was considerable worry in international financial circles about a similar fate befalling Canada. A crisis was averted only by taking drastic measures, such as the passage of an austerity budget so severe that it has been described as "the most radical reduction in government since demobilization from a wartime to a peacetime economy." See Barlow and Campbell, *op. cit.*, p. 143. Left critics such as Barlow and Campbell claim the crisis was manufactured by conservative Canadian and US business interests, that it could have been easily averted had the Bank of Canada kept interest rates down so as to reduce the $45 billion federal interest burden, and that, at any rate, it may have been dealt with by the increase in government revenues resulting from the economic growth continued or increased state intervention would have triggered. This argument is undermined by their other claim that interest rates and other major economic steering mechanisms today are no longer in the hands of national governments but have long since become the prerogative of international financial interests — a claim supported by recent failures of, e.g., powerful European governments to manipulate exchange rates in the face of strong international market pressures.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

highest national debts (respective to population) in the world: Canada and Italy. After decades of irresponsible deficit spending, both countries are on the verge of bankruptcy, while the problems of national cohesion their extravagant government policies were meant to solve have deteriorated to the point that they are now threatened by secessionist movements more than at any time since their creation in the 19th century.

Very often, this crisis-ridden state of affairs is largely the result of the reversal of the normal temporal sequence whereby more cohesive forms of political organization follow, and reflect, an already achieved *social* and *cultural* cohesion. Although the modern state came about primarily in order to put an end to the European religious civil wars,[7] the nations within which they developed, while fractured by internal strife at the time, presupposed an already existing cultural homogeneity defining them as distinct political entities. After the French Revolution and the definitive displacement of the clergy and the aristocracy by a secular intelligentsia and the bourgeoisie, the sequence was reversed. Now it was no longer a matter of an already existing nation creating a state to administer its internal and external affairs or solve problems threatening its integrity but, rather, it was the state that sought to constitute the nation by circumscribing a particular territory and forcibly homogenizing the people living within it. The project was to create nations out of sizeable chunks of real estate derisively described as either "mere geographical

7. See Carl Schmitt, "Staat als ein konkreter, an eine geschichtliche Epoche gebundener Begriff (1941)," in *Verfassungsrechtliche Aufsätze*, *op. cit.*, pp. 375-385. In the US and Canada, it was a different matter. The first came about through revolution and the second because of a refusal to join in. In either case, the lack of internal strife made external state mediation unnecessary. In the US, the state developed slowly and primarily in order to fulfill an imperialist agenda ("Manifest Destiny" in the 19th century and Wilsonianism in the 20th). In Canada, a paradigmatically peaceful country consensually under British tutelage, the process was even slower and in deliberate opposition to the US. Thus only in the 1960s, and primarily in response to predominant world trends, did it begin to develop a modern central state. However, when the Canadian state sought to legitimate itself by creating a nation or, rather, what Barlow and Campbell call a "national narrative," i.e., the welfare state, it began to fall apart. Cf. Barlow and Campbell, *op. cit.*, pp. 236-244. The central state is in trouble in the US as well. While there are no immediate problems of national disintegration, the urgency to reduce the national debt and balance the budget have forced the devolution of programs from the federal to the state level and a shift from direct to indirect federal financing through "bloc grants." It is unclear how long it will be before this waste of laundering tax revenues through Washington, only to return them to the states with a substantial bureaucratic "handling" bite taken out, will continue, instead of having the states themselves collect tax revenues directly. At any rate, one thing is obvious: the gradual downsizing of the central administrative state apparatus is becoming a necessity even in countries not threatened by national disintegration.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

concepts"[8] or, as Canada's Prime Minister MacKenzie King put it immediately after his return to power in the mid-1930s, as countries having too much "geography" but so little nationhood that they should have been classified as "state-nations" and "states in process," rather than standard nation-states.[9] The state's central power was thereby used to impose *liberal* norms and a uniform national culture which would have been unlikely to develop spontaneously and *democratically*[10] or at least would have taken a much longer period of time and rather different forms. Unless, however, a particular demographic aggregation spontaneously constitutes itself as *a people*, thus providing the resulting nation with democratic legitimation — the only kind acceptable today — the resulting political entity is likely to be inherently unstable and susceptible to secessionist threats when internal differences become unmanageable and eventually unbearable.

The democratic alternative to this *de facto* authoritarian nation-building by a liberal political elite managing the state would have been to establish only as much political unity as warranted by the existing level of homogeneity — precisely what both Canada and the US did in 1789 and 1867, when they constituted themselves, respectively, as a confederation

---

8. This is how Metternich defined Italy, much of which was then under Austrian rule, before national unification was carried out in the 1860s — not by popular demand, but as an expansionist project of the Piedmontese aristocracy. The exact same notion is used by Brimelow to describe Canada in the mid-1980s. *Op. cit.*, p. 6.

9. For a discussion of William Lyon MacKenzie King's famous quip, made immediately after his return to power in the mid-1930s, see Gwyn, *op. cit.*, p. 17 and 268. Cf. also Bruce Powe, *A Tremendous Canada of Light* (Toronto: Coach House Press, 1993).

10. Already identified in the 1920s as the fundamental contradiction of modern democratic regimes (see Schmitt, *The Crisis of Parliamentary Democracy*, *op. cit.*), at the end of the 20th century, following the collapse of communism and traditional totalitarianisms, the incompatibility of liberalism and democracy is rapidly becoming the basis for a new political cleavage transcending the old "conservatism vs. progressivism" paradigm. Given this new cleavage, liberal-democracy becomes a political oximoron. Since most liberal-democrats consider human rights, equality and other traditional liberal values more important than democracy, when it becomes necessary to choose between the two they invariably opt for liberalism at the expense of democracy. At that point, however, liberal values have to be *imposed* independently of democratic legitimation. It then becomes necessary also to distance the rulers from the ruled, thus encouraging the development of unaccountable elite rule and of an alienated constituency generating the kind of legitimation deficits which, in times of serious economic or social crises, pave the way for drastic authoritarian solutions such as fascism and communism. See Leopold Kohr, *The Breakdown of Nations* (London: Routledge & Kegan Paul, 1957), pp. 98ff. See also Paul Piccone, "The Crisis of Liberalism and the Emergence of Federal Populism," in *Telos* 89 (Fall 1991), pp. 7-44.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

and a federation, rather than as standard nation-states.[11] If and when different political units grow increasingly similar and close, as in the case of the American colonies struggling against British rule, or the Canadian ones in order to preserve it (or the various European countries after WWII) then it becomes possible to coalesce into larger aggregations.[12] Yet, even when homogeneous nations do develop organically there is no guarantee they will be stable — unless they remain relatively small.[13] For peoples to assert themselves politically requires, as a precondition, considerable intersubjective interaction conducive to the creation of an organic culture. Otherwise, national identity ends up designating only state-belonging rather than shared cultural attributes constitutive of personality and character, while democracy gradually degenerates from a direct, participatory activity to merely its formal component, i.e., it becomes limited primarily to ratifying the agenda of particular liberal

---

11. However, after the US embarked on a project of rapid nation-building from above, following the Civil War, and Canada much later, in the 1960s, both countries did run into major legitimation crises resulting from the coercive homogenization required for the task. In the US, Southern resistance took the form of racist resentment, while in Canada Quebec's particularity translated into separatism. See Richard Bensel, *Yankee Leviethan, The Origins of Central State Authority in America, 1859-1877* (New York: Cambridge University Press, 1990); and Barlow and Campbell, *op. cit.*, pp. 7-40. None of these authors, however, relate coercive state homogenization with political pathologies.

12. This is why Schmitt regarded federations (or confederations, which he thought were ultimately the same thing) as temporary political compromises: over time the various units either develop irresolvable conflicts, in which case the federation would break up; or else they would eventually grow similar, thus warranting forms of political association much stronger than federation can provide. See Carl Schmitt, "The Constitutional Theory of Federation (1928)," in *Telos* 91 (Spring 1992), pp. 26-56. This is a translation of parts of Schmitt's *Verfassungslehre* (Berlin: Duncker & Humblot, 1970). The increasingly obvious inadequacy of existing political forms such as nation-states, "really existing" federations, etc. indicates a need to develop new ones adequate to postmodern conditions of social interaction, characterized both by the globalization of communication networks and economic organization as well as by the potential technological empowerment of small and relatively autonomous units.

13. According to Kohr, "only the small state fulfils the requirements of both individualistic and democratic existence. It is *individualistic* because it fits the small physical size of man so much better than the colossal robes of large powers which, far from clothing and protecting the individual, smother him. And it is democratic because of its physical inability to overwhelm the citizen, who is at all times capable of participating in government but also of resisting governmental encroachment without the intermediary of powerful organizations." See Leopold Kohr, *op. cit.*, p. 105. If the nation is too large, the production and reproduction of culture has to be mediated exclusively by a cultural elite. Thus, unlike in the case of, e.g., directly experienced rituals and myths, culture ceases to be a living process allowing for automatic internalization and is reduced to a purely formal dimension that cannot translate in the kind of national consciousness constitutive of a nation.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

elites.[14] Since only participatory democracy allows for a thriving civic culture able to sustain accountable and responsive institutions, all large representative democracies tend to develop considerable political alienation further diminishing the already low level of democratic legitimacy. This is why, especially in societies characterized by cultural pluralism, confederal aggregations of various autonomously organized subunits sufficiently small and homogeneous to be amenable to as much participatory democracy as possible are preferable to bureaucratically integrated nation-states.[15]

In cases where the ruling political class instrumentalized the state to *create* the nation the ensuing problems are enormous. Although it is often tried, *real* nations cannot be invented, no matter how much nationalist agitprop is unleashed in the effort.[16] They either develop spontaneously over a

---

14. Political scientists have historically dismissed participatory democracy as unfeasible, or possible only in small states. As Norberto Bobbio put it: ". . . direct democracy, the democracy of the *agora* in contrast to the democracy of the parliamentary chamber, was a regime suited only to small states: states whose size permitted the citizens . . . to assemble in the square. Where are the small states today?" See Norberto Bobbio, "Are There Alternatives to Representative Democracy?" in *Telos* 35 (Spring 1978), p. 19. Since in the age of postmodernity it is no longer obvious that small political units are impossible — on the contrary, they may turn out to be the *only* viable ones — modernist apologies for the pseudo-democratic character of formal or representative democracy as the only viable kind no longer hold.

15. Considerable confusion remains concerning whether the nation designates an organically interacting aggregation of people, or merely whoever lives within the territory over which a state rules. This confusion still vitiates political discourse. See the special issue on "Nationalism and its Discontents," *Telos* 105 (Fall 1995). For an extensive discussion of the incoherence of the concept of the nation, beginning with Luther's relegation of the nation to "the possessors of political power exclusively, that is, princes, knights and bishops, in contradistinction to the common people," see Rudolf Rocker, *Nationalism and Culture*, tr. by Ray E. Chase (Stillwater, MN: Coughlin Publisher, 1978), pp. 259ff. Not surprisingly, even groups advocating basically confederal arrangements systematically confuse concepts such as "nation," "confederation," "federation," and end up calling "confederations" nations, etc. Thus the *Blue Book* of the Canadian Reform Party — the document outlining its official policies — states in the very same sentence that: ". . . *Confederation* should be maintained, but that . . . can only be maintained by a clear commitment to Canada as one *nation* in which the demands and aspirations of all regions are entitled to equal status" (italics added). See Reform Party of Canada, *Principles and Policies 1991*, p. 8. Elsewhere in the document "federation" is also used freely as a synonym for "confederation."

16. As Anderson put it, far from being a spontaneous expression of popular enthusiasm for collective identity, nationalism is usually characterized as "emanating from the state, and serving the interests of the state." See Benedict Anderson, *Imagined Communities* (London: Verso, 1983), p. 145. It does not necessarily follow, however, that as a result all nations are bureaucratic fictions. In relatively small political units totalized by a common living culture, homogeneous populations can and do constitute viable nations — in which case, however, the concept of "nation" tends to become synonymous with that of "community."

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

long period of time through direct interaction, a common history, shared problems, a similar culture, etc., or they turn out to be mere crisis-ridden, demographic aggregations. Thus, grandiose projects of 19th century social engineering such as arbitrary nation-building from above were doomed to fail from the very beginning, although it took a long time for the process to reach its eventual conclusion. While initially the inevitable lack of coordination, centralization and standardization does not seem to have much of an impact on local autonomy, in the long run these projects generate major institutional and cultural crises — especially as a result of rapid modernization understood *tout court* as rationalization, centralization and planning. When the gradual administrative imposition of national norms eventually erodes or tries to displace existing cultural particularities constitutive of identity and community, the result is not the well-mediatized population of *Brave New World*, able to break out of its new totalitarian predicament thanks only to an emotive dimension of Being, impervious to mass manipulation. It is, rather, normlessness, social disintegration and anomie.

Contrary to the dark forebodings of the 1950s and 1960s concerning the power of a culture industry, instrumentalized by capitalist interests, to reconfigure mass consciousness and create a society of passive consumers and docile workers, the experience of the last three decades has shown that nothing of the kind did actually take place.[17] Bureaucratically manufactured or not, and notwithstanding all the opportunism, irresponsibility and shortsightedness associated with it, the explosion of ethnicity and

17. Shocked by the ability of National Socialism to manipulate collective consciousness in Germany, the original Frankfurt School theorists either assumed that popular culture could readily constitute personality and character to fit the accumulation requirements of "late capitalism" or, unwilling to capitulate to the resulting political pessimism (and despite Walter Benjamin's prophetic insights about "progress"), sought to salvage the Marxist philosophy of history by deploying Freudian psychoanalysis to eventually postulate, with Marcuse, theoretical epicycles such as "the biological bases of socialism." To the extent they associated attempts to revive archaic traditional identities as necessary preconditions for criminal regimes such as Nazism, they were unable to go much beyond modernity and see postwar cultural acquiescence as merely an exceptional temporary phase preparatory for the resurgence of heterogeneity after the 1960s — notwithstanding the fact that very early on, with the drafting of *The Dialectic of Enlightenment*, the defense of particularity and otherness had become one of their major objectives. Paradoxically, while in the hands of their academic epigones Critical Theory has been reduced primarily to a conformist subsection of the Marxist critique of culture, its more radical theses, such as the critique of progress and the vindication of particularity, have long since been taken over by the more dynamic sectors of the Right, such as the French New Right. See "Three Interviews with Alain de Benoist," in *Telos* 98-99 (Winter 1993-Spring 1994), pp. 188-207. See also Pierre-André Taguieff, *Sur la Nouvelle Droit: Jelons d'une Analyse Critique* (Paris: Descartes, 1994).

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

hyphenation in the 1960s, along with the emergence of the counterculture, does indicate the inerasability of traditional cultural sedimentations beneath the veneer of pseudo-national homogeneity.[18] The experience of the last three decades suggests that mass culture's penetration is only skin deep: it does not constitute identity and, when it manages to displace traditional residues, it does not lead to the kind of impeccably "politically correct" post-traditional or post-national identity postulated by liberals.[19]

In countries with significant cultural diversity and regional economic disparity, i.e., practically every country today, the strategy of national homogenization through the welfare state's allegedly benevolent intervention often ends up permanently marginalizing the economy of whole

18. Over half a century after the defeat of Nazism and the demonization of all its leading theoreticians, discussions of traditional identity or the a-rational roots of culture remain inextricably associated with Nazism, hence taboo or hopelessly distorted to fit current academic prejudices. Thus even traditionalists such as Vaclav Havel, whose years of dissidence led him to advocate a Heideggerian variation of pre-political cultural identity (thus pre- rather than post-national), are read as paradigms of political correctness instead of being seen as generally belonging, with major differences, to the same school as Nazi theoreticians of traditional identity (understood exclusively in terms of race) such as Alfred Bäumler and Alfred Rosemberg. See Martin Matustik, *Postnational Identity: Critical Theory and Existential Philosophy in Haberman, Kierkegaard, and Hovel* (New York: Guilford Press, 1993). Traditional identity can translate into national identity because "shared military means a shared shedding of blood; shared cultural institutions will generate common interpretive traditions; and shared economic policies will proliferate similar structures — and these commonalities constitute central elements of nationhood." Russell Berman: "Beyond Localism and Universalism: Nationhood and Solidarity," in *Telos* 105 (Fall 1995), p. 51. Since, however, these dimensions of nationhood have to be internalized before they can constitute individuality, they still requires an intersubjective proximity which rules out the large size of most modern nations and may still describe, instead, more geographically limited communities. Berman's vindication of the nation is possible to the extent that is predicated on *communitarian* considerations rather than on the abstract symbolic dimension usually advocated by manipulative state functionaries.

19. Originally formulated within the bipolar context of the Cold War, liberal accounts of post-traditional identity, especially in Germany, were actually predicated on a suddenly positive re-evaluation of "the culture industry" and, negatively, on an "anti-totalitarian consensus." In desperately attempting to make a clean break with the "disastrous traditions" of fascism and communism, these accounts tended to reduce individual identity to the politically correct facticity of liberal-democratic immediacy. Thus, in Habermas, the post-traditional individual ends up constituted merely by the objective structures of linguistic interaction, where the nation is seen as even more abstract than just a territorial concept, defined as it is by "constitutional patriotism," i.e., the mere adherence to abstract norms. See Jürgen Habermas, "Historical Consciousness and Post-Traditional Identity: The Federal Republic's Orientation To the West," in *The New Conservatism: Cultural Criticism and the Historians' Debate*, tr. by Shierry Weber Nicholsen (Cambridge: MIT Press, 1989), pp. 249-267. Having lost its anti-totalitarian content after the collapse of communism, today post-traditional identity turns out to be but a euphemism for conformism and consumerism.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

regions, as in the case of Southern Italy (through the fostering of perpetual state dependance and local passivity) and/or threatening particular cultural identities as in Quebec. While it can be — and it all too often is — sponsored by the state, economic development remains primarily the prerogative of private entrepreneurs rather than government bureaucrats. When the state takes over, the results can be as disastrous as they have been in the USSR and Eastern Europe before the collapse of communism; or as debilitating as in Southern Italy, where corruption and waste have not only encouraged an unprecedented growth of organized crime, but previously healthy parts of the economy have been severely damaged; or as costly as in most other welfare states now saddled with huge national debts and sluggish state-supported industrial sectors.

The resulting cultural alienation and regional resentment eventually translate into political crises which can be postponed, as they were in Italy and Canada, either through various authoritarian measures or, whenever possible, further state intervention.[20] Unless regional and cultural autonomy can be guaranteed through looser and much more decentralized political arrangements, the crisis they generate can lead to

---

20. In Italy, the crisis was forestalled, first, in the late 19th century, by the country's backwardness and lack of effective central coordination, later, by the authoritarian policies of the fascist regime and, after WWII, by the Cold War. Although initially Southern separatism always seemed to ferment beneath an otherwise peaceful surface — remaining embroiled with Southern banditry (e.g., the Giuliano phenomenon) as late as the 1940s — it was only after the end of geopolitical bipolarity in the early 1990s (and, therefore, the end of Italy's *de facto* suzerain relation to US and its foreign policy) that the contradictions of the Italian nation finally exploded into an explicitly secessionist movement. The electoral success of the separatist Northern League would not have been possible any time earlier. See Gianfranco Miglio, "Toward a Federal Italy," in *Telos* 90 (Winter 1991-92), pp. 19-42. As for Canada, the present constitutional crisis began only after Quebec undertook a massive project of state-sponsored modernization — after, according to Barenson and Cooper, Jean Lesage's election June 22, 1960 began to "set the agenda for the evolution of Canadian federalism" (*op. cit.*, p. 68). Lasage's "quiet revolution" in the 1960s triggered the launching of the welfare state on a grand scale under Lester Pearson (with the introduction of federally-sponsored national health care), which generated a whole series of new power struggles and relations of dependance between the federal government and the provinces. Constitutionally problematic — since, according to the British North America Act of 1867, the provinces rather than the federal government were entrusted with raising revenues needed to pay for local services — the introduction of the federally funded health care system opened the gate to a flood of seemingly endless welfare measures. As William D. Gairdner put it: "It was a form of fiscal bribery that shifted *de facto* control over a whole variety of programs from the provinces to central government; reduced provincial freedoms; and enabled most provinces (therefore most Canadians) to live well beyond their means by a form of proxy borrowing from future generations." See his *Constitutional Crack-up: Canada and the Coming Showdown with Quebec* (Toronto: Stoddart, 1994), p. 45.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

secession, as in Czechoslovakia and, in the most extreme cases, civil war, as in Yugoslavia.[21] In all real or merely threatened instances, national disintegration is the result of coercive unification, cultural homogenization and questionable redistributive agendas imposed by the state, independently of any broad democratic consensus. This is why, among other things, even some conservative political thinkers such as Schmitt and Julien Freund have come to the old anarchist conclusion concerning the obsolescence of the state.[22] In these instances, maintaining or reinforcing the *status quo* is not an option. The only realistic alternatives are either to break up the countries involved or loosen political ties and decentralize socio-cultural functions.[23]

---

21. Michael Ignatieff, *Blood and Belonging: Journeys into the New Nationalism* (Toronto: Viking, 1993). Although Ignatieff describes the civil war in Yugoslavia as primarily the result of the collapse of the state rather than cultural disintegration, the logic is the same. Without the authoritarian central state to hold society together, the only thing remaining were previously encouraged ethnic residues and rivalries which suddenly had to be mobilized as new national foundations. According to Ignatieff, the civil war that followed was precipitated by the fact that the federation Tito had imposed was not predicated on any pre-existing civic culture, but merely on nationalist *Realpolitik*: the attempt to forcibly aggregate a bunch of contiguous heterogeneous territories into an arbitrarily-defined political entity tolerating ethnicity, but not the kind of run-of-the-mill conflict-ridden "bourgeois pluralism" constitutive of a modern civic culture (p. 39). It is unlikely, however, that merely bourgeois pluralism, rather than a much looser and more decentralized confederal arrangement, would have been sufficient. For a comparison of the Yugoslav and the Canadian predicaments, see Scott Reid, *Canada Remapped: How the Partition of Quebec will Reshape the Nation* (Vancouver: Pulp Press, 1992, pp. 1-22.

22. See Julien Freund, "Schmitt's Political Thought," in *Telos* 102 (Winter 1995), pp. 11-42. It remains unclear, however, what may replace the state.

23. Peaceful break-up of countries, states or cantons are not all that unusual. In addition to the recent example of Czechoslovakia, the partition of the Swiss canton of Jura provides a viable model. The first would clearly apply to Italy, where Northern calls for secession have nothing to do with ethnic particularity or cultural autonomy, while the second one seems especially applicable to Canada. See Reid, *op. cit.*, pp. 26-36. Unlike in the past, when secession meant simply the establishment of a new nation-state structurally similar to the one left behind, today any break up of existing nation-states is almost always undertaken in view of almost immediate reintegration within larger confederal units. Thus the Northern League prefigures, immediately after secession, both the immediate formation of a culturally close but fiscally loose Italian confederation, as well as the further development of an economically (if not politically) unified European community. The same goes for Quebec which, notwithstanding scores of minor technical problems concerning borders, internal minorities, etc., not only would remain an integral part of NAFTA but would also retain very close relation with the remaining parts of Canada. Even pessimists like Bercuson and Cooper admit as much (*op. cit.*, pp. 159ff.); see also Lemco, *op. cit.*, pp. 170ff. This means that, ultimately, the real alternative is not between confederation or something else, but between *different types* of confederations.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

### *Postmodernity, Cultural Autonomy and Political Form*

The unilinear "progressive" Enlightenment ideology underlying the liberal project of nation-building has no explanation for this unexpected turn of events, which it can only interpret as a major political regression or the reaffirmation of an allegedly long-since transcended social irrationality.[24] While the communication revolution, the spread of microcomputers and the recent technological innovations have precipitated globalization, i.e., unprecedented economic integration marginalizing the traditional nation-state as the main policy-making locus, they have also exploded long-standing modernist assumptions concerning the apodicticity of universality, the primacy of abstract rationality and the virtues of central planning, while altogether upsetting existing political cleavages.[25] Today

---

24. This is precisely how Trudeau describes the kind of national sovereignty sought by Quebec separatists: an "idée absurde et retrograde." See Trudeau, "La Nouvelle Trahison des Clercs," *op. cit.*, p. 15. Trudeau did, however, subscribe to some form of nationalism at the federal level, but purely for instrumental reasons — as a temporary "glue" to keep a plethora of heterogeneous political units together. In the long run, "nationalism will eventually have to be rejected as a principle of sound government." See Trudeau, "Federalism, Nationalism, and Reason," in *Federalism and the French Canadians*, *op. cit.*, p. 193. Thus, he cunningly entrenched official multiculturalism in the 1982 Canadian constitution merely as a tactical device to sandbag Quebec's claim to a privileged kind of cultural particularism within Canada. The assumption was that Quebec nationalism would gradually fade as a result of the widespread acceptance of his homogenizing cosmopolitanism. Thus René Lévesque and other Quebec nationalists were right when they pointed out, after Trudeau abruptly tripled multiculturalism's budget to $10 million following his near defeat in the 1972 election, that multiculturalism was a political decoy to defuse the Quebec question by submerging it in a sea of newly invented cultural particularisms. This strategy of hyphenizing Canada, however, was cleverly checkmated by Quebeckers when they abruptly rejected their traditional designation as French-Canadians and started calling themselves "Québecois," thus becoming the only non-hyphenated group in Canada today. See Gwyn, *op. cit.*, pp. 118-19 and 183ff.

25. The ironic consequence of these developments is that the traditional Left has suddenly become *conservative*, i.e., committed to the unaltered retention of existing policies, while the traditional Right's calls for considerable changes to deal with the new state of affairs is now *radical*, i.e., committed to a substantial reconfiguration of existing political relations. Thus socialists such as Barlow and Campbell urge Canadians to defend the *status quo* by, e.g., struggling "to protect the public services and universal social programs that our parents and grandparents fought so hard to create, in which we thrive, and upon which our national narrative was built." *Ibid.*, p. 244. Conservatives such as Kenneth McDonald and Gairdner, on the other hand, have become the defenders of "truly democratic roots" — what Marx in the 1844 *Manuscripts* defined as the essence of radicalism. Their call is for *fundamental* changes to institute "true federalism" and revive the original British tradition of the "living constitution," enabling Canadians "to develop as a free people." See Kenneth McDonald, *His Pride, Our Fall: Recovering from the Trudeau Revolution* (Toronto: Key Porter, 1995), p. 110; and Gairdner, *op. cit.*, p. 113.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

it is no longer a matter of a Left (progressive) confronting the Right (conservative) but of statist liberal vs. communitarian democrats.[26] This new state of affairs is nowhere more evident than, e.g., in the established Left's and the established Right's relation to the 1982 Canadian Constitution. While the Left wholeheartedly supports it, the Right rejects it, and both for the same reasons: because, in Gwyn's words, it "Americanized Canada's political system significantly, shifting authority away from Parliament and the legislatures towards the courts," i.e., it empowered a *liberal* elite — an unelected judiciary — at the expense of the *democratic* constituency as represented in Parliament.[27] Old political cleavages are not alone in being upset by postmodernity. Environmental concerns, the unintended consequences of social engineering and new economic developments have undermined old certainties about scientific infallibility, the virtues of technology or the neutrality of knowledge. Thus bigger has ceased to be synonymous with better, professionals and experts are increasingly suspect, and hitherto unquestioned modes of political organization such as liberal democracy are losing their hitherto "natural," and

26. While in the wake of the collapse of "really existing socialism" the traditional and less radical sectors of the Left in the US and Canada have uncritically retreated to standard nationalist and liberal positions, the more sophisticated sectors of the European Left also advocate, at least in theory, a postmodern turn. Not only do they call for a redefinition of concepts such as "liberty," "equality" and "justice," they also readily acknowledge the obsolescence of the nation-state. Thus, following leading European socialists such as Ingvar Carlsson, Norberto Bobbio, Michel Rochard *et. al.* Joan Marcet calls for a radical democratization of socialist parties into "de-bureaucratized, decentralized and rationalized organization run by a competent, democratically legitimated leadership" able to establish a "populist, rather than an organized and collectivist relation" with the people. See Joan Marcet, "La Izquierda Europea al Inicio del Siglo XXI," in *Leviathán* 64 (Summer 1996), p. 84-86. The Canadian Left has not always uncritically defended centralization. Thus, e.g., as recently as during the debates preceding patriation of the Constitution, Western Canadian socialists such as Grant Notley and Allan Blackeney opposed it precisely because of its centralizing character. As Notley put it: ". . . many Canadians do not want to be controlled from Ottawa . . . the majority of working people as well as the majority of business men, identify with the provincial government." Grant Notley, "Comments," in John Richards and Don Kerr, eds., *Canada. What's Left?* (Edmonton: NeWest Press, 1986), pp. 154-55. As Quoted in Lipset, *op. cit.*, p. 195-96.

27. See Gwyn, *op. cit.*, p. 60. See also Seymour Martin Lipset, *Continental Divide: The Values and Institutions of the United States and Canada* (New York: Routledge, 1990), p. 118; McDonald, *op. cit.*, p. 89; Gairdner, *op. cit.*, p. 110ff; and Lansing Lamont, *Breakup: The Coming End of Canada and the Stakes for America* (New York: Norton, 1994), p. 74. In other words, the Left has lost its traditional democratic élan and now supports an elitist *liberal* agenda against the Right's vindication of the primacy of *democratic* prerogatives — a far cry from the old Right's defense, first, of aristocratic prerogatives, and then of bourgeois elitism.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

therefore hardly ever questioned, character.

The stability of the postwar years can no longer be automatically interpreted as the natural outcome of the institutionalization of modernity or of an irresistible progress. Rather, it may well have been due to the perseverance of those premodern structures being systematically eroded — structures that have inhibited the unfolding of the logical consequences of modernity. The gradual weakening of these *informal* infrastructures which automatically organize social life has necessitated the development of formal modernist substitutes to take over many of the social functions previously carried out spontaneously, thus resulting in a system overload. This means that the crisis of modernity cannot be solved merely by developing additional formal control mechanisms or by further rationalization, centralization and integration — which would result in the further erosion of whatever remains of premodern infrastructures, and therefore additional overloading — but requires the reconstitution and rehabilitation of precisely those premodern structures it otherwise tends to erode.[28] Although postmodernity is associated with dubious academic idiosyncrasies and has become instrumentalized to legitimate cultural fads such as feminism and multiculturalism, it also marks a break with dogmatic rationalism, Panglossian theories of progress and the univocal determination of cultural

---

28. The dialectic of modernist rationalization and premodern residues is articulated by more sophisticated liberal ideologues in terms of a linear logic of system and lifeworld where premodern residues are redefined as the world of unacknowledged "culturally transmitted and linguistically organized stock of interpretive patterns." Thus the crisis of modernity is redescribed in terms of distorted communication between an allegedly sound and increasingly more complex modernity and a premodern lifeworld which is unintendedly *colonized* (infiltrated with alien elements such as the needs capitalism has to inculcate in order to remain profitable and viable by satisfying them), rather than *rationalized* (integrated into a new modernist mode of being). Since in *Legitimation Crisis* (Boston: Beacon Press, 1975) Habermas readily acknowledged that "meaning" cannot be bureaucratically constituted, the solution cannot be formulated in terms of simply substituting arbitrarily devised means and ideals for the old — the source of the crisis — nor in terms of allowing the free *spontaneous* reconstitution of premodern residues, which would amount to a rejection of the modernist project, but in restoring undistorted communications between the system and the lifeworld by democratically "emancipating" the latter along the lines of the system's increasing complexity. In other words, instead of simply destroying or eroding premodern residues, the objective is to *instrumentalize* and steer them in a direction amenable to the system — or at least in a way that would prevent social disruptions. The preferred strategy is to *rationalize* rather than *colonize* the lifeworld so that instead of disrupting modernity, premodern residues would contribute to its fulfillment. See Jürgen Habermas, *The Theory of Communicative Action*, Vol. 2, tr. by Thomas McCarthy (Boston: Beacon Press, 1987), pp. 396ff. Whether a "rationalized" lifeworld is at all possible or whether it can coexist with a modernist project committed to centralization and universalization, however, remains to be seen.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

forms as a function of social being. It also paves the way for the relegitimation of much that has been uncritically assumed to have been irreversibly transcended. Today nothing seems settled once and for all and the infamous "historical trash-can," filled with alleged anachronisms, is increasingly being mined for potentially viable alternatives.[29]

This is particularly true with regard to political forms. However, here too postmodern critiques of modernist politics tend to reflect the fundamental social divisions of the particular society within which they are formulated. Thus they turn out to be either *liberal* or *democratic*. According to the first, the breakdown of logocentrism has resulted in the positing of race, gender, class, ethnicity, religion, etc., as new principles of political organization. The older concept of "the people" has been displaced not only for being too broad but also, and more importantly, for occluding internal divisions constituting the basis for modes of domination which, to the extent they have remained unthematized, have been traditionally legitimated as "natural." Yet, this critique already presupposes paradigmatically modernist forms of political organization such as the nation-state. As a result, it remains thoroughly statist in character, concerned primarily with an internal rationalization predicated on new "politically correct" criteria elaborated and imposed by a new intellectual elite. The democratic critique, on the other hand, also challenges the monologic character of modernity, but from a broader perspective of radically different cultures constituting peoples and determining social relations independently of external universal criteria. While liberal postmodernity limits its critique merely to demonstrating the socially constructed (hence contingent) character of categories such as race, gender, etc., in order to undermine particular patterns of domination hitherto alleged to be based on natural (hence necessary) conditions, its democratic counterpart extends the critique to entire conceptual systems. As a result, even fundamental concepts such as "justice," "domination," "freedom" and "political correctness" turn out to be themselves a function of socially constructed conceptual frameworks generated by particular cultures —

29. See David Gross, *The Past in Ruins: Tradition and the Critique of Modernity* (Amherst: University of Massachusetts Press, 1992). Although Gross is skeptical about the prospect of breaking with modernity, he at least acknowledges the heuristic function of earlier, discarded social forms. For more optimistic evaluations, see "Symposium on David Gross' The Past in Ruins," in *Telos* 94 (Winter 1994-95), pp. 5-89. See also Christopher Lasch, *The Revolt of the Elite and the Betrayal of Democracy* (New York: Norton, 1995) where, following his trenchant critique of progress in his earlier *The True and Only Heaven: Progress and his Critics* (New York: Norton, 1991), pp. 40-81, he vindicates an allegedly historically dead 19th century populism as an alternative to New Class cosmopolitanism.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

consequently lacking any normative import outside those cultures and unable to sustain any of the self-righteous universalist claims routinely deployed by liberal postmodern intellectuals to legitimate their higher authority. It is only within these irreducibly particular cultures that moral judgements hold any validity over the subject sharing it, and this originary predicament is what allows the constitution of a mere demographic aggregation into a people in opposition to other peoples, in accordance with Schmitt's definition of politics in terms of the friend-enemy dichotomy.[30]

Since culture is never purely a matter of symbolic transactions but has also a physical intersubjective dimension, its translation into a particular political form presupposes territoriality and will formation. This is why political entities such as nation-states turn out to be the result of a people's self-assertion over a particular territory.[31] Within such a framework, calls for secession and eventual national disintegration can only be interpreted as a failure of collective will, either because it probably never existed, as in cases where the nation is not a spontaneous formation but the result of authoritarian nation-building from above, or the country is simply too large and the people within it may simply have gradually grown apart (an increasingly unlikely possibility in the age of instant

---

30. See Carl Schmitt, *The Concept of the Political*, tr. by George Schwab (Chicago: University of Chicago Press, 1996). Within such a context of radical cultural heterogeneity, modes of domination do not make sense independently of the particular culture providing the axiological framework which makes possible their very formulation. This is why the liberal postmodern critique is ultimately conformist (to the extent that it remains trapped within the web of the same modernist universalism it pretends to reject) and dogmatic (in imposing as universally valid its particularistic cultural framework as, e.g., in the unconditional condemnation of "primitive" culturally-mandated practices such as clitoridectomy, which from a Western Protestant perspective can only appear as terminally abhorrent.

31. See Carl Schmitt, *Der Nomos der Erde im Völkerrecht des Jus Publicum Europaeum* (Berlin: Duncker & Humblot, 1974), pp. 13-20. According to Schmitt, however, political self-determination today, a time characterized by the obsolescence of the state, is unlikely to result in the constitution of traditional 19th century nation-states, but rather *Grossräume*. Within this new world order smaller units aggregate with similar or larger hegemonic political entities to form power blocs whose balance guarantees world peace. See Paul Piccone and G. L. Ulmen, "Schmitt's 'Testament' and the Future of Europe," in *Telos* 83 (Spring 1990), pp. 3-34. While this geopolitical scheme was originally meant to legitimate, first, before WWII, the role of German hegemony within Europe and, afterwards, to explain the bipolar world of the Cold War years, it also helps understand the current dynamics of European unification with Germany as its hegemonic center, as well as the *de facto* predicament of countries such as Canada, where Quebec and Ontario have historically been the dominant provinces within what could be seen as a Canadian *Grossraum*. Secessionist tendencies develop when diverse peoples are coerced into nationhood, as has been the case in Canada during the past three decades, and particular units resist forced homogenization or unfavorable redistributive policies.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

communication). At any rate, calls for secession signal the possible beginning of the end of a people's very identity as *one* entity and their eventual reconstitution as *two* or more distinct political units.[32] Thus, whether ethno-nationalist or regional-populist in inspiration, whether in artificial Third World countries or in advanced industrial societies,[33] calls for secession are not only symptoms of major contradictions within the political units confronting them but, more specifically, they betray potentially irreparable cultural differences and the clash of conflicting principles of socio-economic organization. In these cases, national unity-no-matter-what, partition or civil war need not be the only alternatives. A more viable solution — one not altogether palatable to nationalists or the political classes which artificially constituted the nation — may consist in devolving what by this time has revealed itself to be clearly a pseudo-nation into

32. Banal as this claim may appear, its implications are still resisted by people living in countries constituted independently of a broad democratic consensus. Thus even a former President of the Canadian Political Science Association could express shock in suddenly realizing that maybe at the root of the Canadian constitutional crisis was the fact that Canada had been put together by administrative fiat in the 19th century and by Trudeau's more recent machinations, rather than through any democratic consensus, i.e., Canadians have never managed to constitute themselves as "a people." See Peter H. Russell, *Constitutional Odyssey: Can Canadians Become a Sovereign People?* (Toronto: University of Toronto Press, 1993), p. ix. This realization, however, does not lead Russell to conclude that, instead of insisting on trying to cobble together an impossible nation-state by means of the constitutional prestidigitations that have stalemated national debate since 1982, the logical political form for Canada may be an aggregation of a multiplicity of peoples within a loose political framework allowing both for local autonomy and collective collaboration. That Canadians were different peoples and, therefore, could not constitute a unitary nation-state is not exactly news: it was the thesis of Goldwyn Smith's *Canada and the Canadian Question* (Toronto: University of Toronto Press, 1971) when the book was first published in the 1890s — and for which he was almost imprisoned. On Smith, see Brimelow, who argues a similar point in *op. cit.*, pp. 13ff.

33. While Canadian intellectuals go out of their way to distinguish the Canadian political situation from that of other, mostly underdeveloped Third World countries, and the particular conditions provoking secessionist movements are different from place to place, the basic problems are ultimately the same. They cannot be reduced exclusively to relatively minor language differences resolvable by constitutionally fine-tuning an allegedly unproblematic Canadian welfare state, as Stéphane Dion does in his otherwise informative "Explaining Quebec Nationalism," in Weaver, ed., *op. cit.*, p. 77. See also Jeffrey Simpson, *Faultlines: Struggling for a Canadian Vision* (Toronto: HarperCollins, 1993), p. 349) where he argues that "language . . . is the defining characteristic of Quebec nationalism." This is the typical position of Liberal Party intellectuals who, having relegated culture to an epiphenomenal superstructural dimension, are thus ideologically unable to see it as a constitutive dimension of life and reduce it to the instrumental level of language. It explains why Trudeau thought the imposition of bilingualism throughout Canada would solve the Quebec problem. As Rocker already argued in the 1930s, however, language does not and cannot define nationhood but, at best, is only one of its minor components (*op. cit.*, pp. 276f.).

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

a much looser political organization predicated on subsidiarity, where the central government, in addition to performing irreducibly collective tasks such as defense, currency, diplomacy, etc., takes on merely a mediational role among otherwise self-governing units.[34]

There are, however, significant differences between regional-populist calls for secession, as articulated by movements such as the Northern League in Italy today,[35] the various separatist movements that came into being in Western Canada in the early 1980s,[36] and the ethno-nationalist separatism of the Basques and Catalans in Spain or the Quebeckers in Canada.[37] The former are usually concerned with predominantly redistributive issues in a context where cultural differences are rather secondary, while the latter presuppose more fundamental questions of identity and meaning — above and beyond the ubiquitous economistic explanations in

34. Although today it is the Reform Party that defends the primacy of regional interests (but not radical devolution of federal prerogatives), radical decentralization has been proposed before. Most recently, it was unsuccessfully advocated by Joe Clark during the 1979 election campaign. As Gwyn describes it: "In opposition to Trudeau's vision of 'One Canada,' Clark, in a speech in High River, Alberta, raised the alternative vision of Canada as 'a community of communities.' Trudeau won the debate, as he did all his verbal encounters, scorning Clark's concept as reducing Canada to 'a string of shopping centres' . . . . History has proven Clark the better prophet" (*op. cit.*, p. 9). Gwyn, however, fails to develop this insight and proceeds to argue for the renewal of Canada as a nation redescribed as "the Canadian community" — a designation obscuring fundamental issues under a moralistic cloak of abstract nationalism and pseudo-compassion. An immense geographic spread like Canada cannot be a community other than in a loose, purely metaphorical sense which reduces the concept of community to a meaningless bureaucratic abstraction without any *living* content.

35. See Carlo A. Ruzza and Oliver Schmidtke, "The Making of the Lombard League," in *Telos* 90 (Winter 1990-92), pp. 57-70; and Ilvo Diamanti, *La Lega: Geografia, Storia e Sociologia di un Nuovo Soggetto Politico* (Roma: Donzelli, 1993). For a comparison of regional-populist and ethno-nationalist movements, see Roberto Biorcio, "The Rebirth of Populism in Italy and France," in *Telos* 90 (Winter 1990), pp. 43-56.

36. New organizations such as the Western Canada Concept Party, the Western Canada Federation Party, the Christian Heritage Party, The Confederation of Regions, the Representative Party — even a revived Social Credit party — all exploded in Western Canada in 1980, but never had much of an impact until later in the decades the Reform Party was founded. See Murray Dobbin, *Preston Manning and the Reform Party* (Toronto: Lorimer, 1991), pp. 70ff.; and Larry Pratt and Garth Stevenson, eds., *Western Separatism: The Myths, Realities and Dangers* (Edmonton: Hurtig, 1981). See also Brimalow, *op, cit.*, pp. 240ff.

37. On Quebec separatism, see Jonathan Lemco, *Turmoil in the Peaceable Kingdom: The Quebec Sovereignty Movement and its Implications for Canada and the United States* (Toronto: University of Toronto Press, 1994); and Jane Jacobs, *The Question of Separatism: Quebec and the Struggle over Sovereignty* (New York: Vintage, 1981). On ethno-nationalism, see Pierre-André Taguieff, "Political Science Confronts Populism: From a Conceptual Mirage to a Real Problem," in *Telos* 103 (Spring 1995), pp. 9ff.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

terms of which they are routinely redescribed by a left-liberal conventional wisdom. By implicitly degrading culture to an epiphenomenal superstructural dimension — a standard strategy of critics of ethno-nationalist separatist movements — popular economistic accounts seek to translate cultural conflicts in terms amenable to administrative resolution. The scenario is well known. Presumably, as so elegantly outlined a century and a half ago by the theodicy of *The Communist Manifesto*, the universalization of market relations automatically brings about — or should bring about, according to the main tenets of historical materialism — a parallel universalization of culture and the eventual homogenization of all classes (after the revolutionary overthrow of lingering bourgeois domination and cultural particularisms) into an undifferentiated humanity.[38]

In reality, however, things are altogether different. Far from representing mere reactionary residues quixotically resisting an inevitable "progress," regional-populist or ethno-nationalist calls for secession constitute a challenge to, and a radical break with, bureaucratic centralism and abstract universalism — dogmatic viewpoints long since exposed as ordinary particularistic ideologies among others, with no privileged claim to "necessity," "inevitability," or "moral superiority." In the age of diversity, it remains to be explained why all regions within a particular country must be economically equal or culturally homogeneous, other than in terms of facilitating the administrative apparatus' quantification of all reality along the exact same parameters[39] — not to mention the fact that

38. This kind of seemingly inconsequential enthymemetic assumption has, however, important political consequences. It is ultimately the basis for, e.g., Dobbin's charge of "racism" against Gairdner for wanting to reduce the rate of immigration in Canada and insure cultural continuity between immigrants and their new country. Since he sees culture as an ultimately epiphenomenal attribute, Dobbin can readily demonize as racist all intellectuals, communities or nations concerned with defending a particular culture, wanting to assimilate newcomers to predominant mores or control their influx. See Dobbin, *op. cit.*, p. 170; and William D. Gairdner, *The Trouble with Canada* (Toronto: Stoddart, 1990), pp. 404 ff.

39. In countries where there is no real national culture and national identity is artificially constructed by means of bureaucratic mechanisms such as the welfare state or in opposition to a powerful neighbor (the US), as is the case in Canada, regional parity and cultural homogenization are the *sine qua non conditio* for nationhood. This is why today in Canada "the federal government retreat from its historic role in . . . many . . . areas, from mining and farm subsidies to tourism, coupled with its retreat from the delivery of social programs, signals a fundamental shift in federal-provincial relations and the redefinition of the nation-state." As a result, in the mid-1990s Canadian nationalists see the devolution of the federal government necessitated by "international debt terrorism," i.e., the urgency of containing and reducing the national debt, as the "degradation" of Canada from a nation-state to "a federation of ten sovereignties." See Barlow and Campbell, *op. cit.*, pp. 137, 219 and 126.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

this nationalist project of cultural and economic homogenization is subverted by the nation-state's declining ability to control economic dynamics, now allegedly at the mercy of a multinational capitalism.[40]

Both regional-populism and ethno-nationalism ultimately challenge the centralization and social engineering practiced by modern nation-states reconfigured as welfare states in order to homogenize the population within a given territory by means of a new "national" culture. Consequently, both ultimately translate into various calls for the radical devolution of central power and social functions — even if the particular units thereby re-empowered may end up using their new political prerogatives to concentrate increasingly more power at the center, at the expense of smaller internal units as in, e.g., a future hypercentralized Quebec within a decentralized Canada. Unlike regional-populism, which is concerned primarily with redistributive policies and the imposition of mandates emanating from the center — problems readily resolvable by rationalizing the practices of the central administrative apparatus — ethno-nationalism poses questions transcending the particular political context within which they are made. What is ultimately being challenged by ethno-nationalism, and to a lesser extent by regional-populism, is the very nature of *modernist* politics and its technocratic managerial ideology. It threatens nothing less than a general reconfiguration of politics away from the old Left/Right paradigm, still predicated on the defense of private property and capitalist exploitation vs. the collective ownership of the means of production and redistributive economic measures. Such a major shift in the predominant political paradigm is not a sudden

40. According to Barlow and Campbell, Canadian national affairs are already run by a "network of unaccountable institutions that . . . include the World Bank, the International Monetary Fund, and the World Trade Organization" (*ibid.*, p. 62). Regardless of the accuracy of this claim, it is unclear the extent to which this argument can be extended to relatively small, autonomous communities characterized not only by a flexible specialization and post-Fordism, but also by an ability to make bold decisions concerning their affairs, without necessarily having to abide by cumbersome "national standards." At any rate, the only logical strategy for Canadian nationalists seems to be to attempt to erect a "fortress Canada." In Gwyn's words "we can construct some barricades behind which we can nurture those 'values and principles' we care about" (*op. cit.*, p. 101). Aside from the questionable implications of such a protectionist strategy, it is unclear when the personal opinions of the various Gwyns, Barlows, Campbells, *et. al.* became those of the Canadian "we" or of the mythical "Canadian community." Gwyn engages in this kind of authorial imperialism in all his writings, beginning with his biography of Trudeau. See his *The Northern Magus: Pierre Trudeau and the Canadians* (Markham: PaperJacks, 1981). As Brimelow points out, all Gwyn and his social-democratic friends mean by this is the left wing of "Canadian Liberaldom" (*op. cit.*, p. 43).

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

realization.[41] It has been elaborated under various guises for a long time. Only the ubiquity of Cold War politics has stifled a systematic elaboration of the phenomenon. Already in the 1920s, long before it was strikingly demonstrated by the collapse of the Soviet Union, it was no longer possible to uncritically contrapose collectivism to exploitation, or see private property and redistributive policies as incompatible. The structural shortcomings of central planning as a hyperrationalist panacea had been exposed not just by conservatives and libertarians but also by the more sophisticated Left.[42]

To the extent it is limited to formal rationality and thus must systematically overlook the informal dimension of reality, central planning is

41. For a discussion of this predicament within the French context, the See Alain de Benoist, "End of the Left-Right Dichotomy: The French Case," in *Telos* 102 (Winter 1995), pp. 73-90. See also Marco Tarchi, "In Search of Right and Left," in *Telos* 103 (Spring 1995), pp. 181-188. This has been Preston Manning's position at least since the launching of the Reform Party. See Dobin, *op. cit.*, pp. 210ff. Far from being something altogether radical, this state of affairs is also acknowledged by more mainstream politicians. Thus, in a Liberal Party conference held in Aylmer, Quebec in the fall of 1991, Canada's Prime Minister Jean Chrétien himself declared the traditional Right-Left split obsolete. However, unlike his own labor minister, Lloyd Axworthy, or his American counterpart, Robert Reich, who have suggested new political divisions on the basis of knowledge and expertise, Chrétien mechanically recycled globalization as the new international political bogeyman in support of his plans to downsize government intervention in the Canadian economy. See Barlow and Campbell, *op. cit.*, pp. 191ff. Thus, instead of prefiguring a new political approach predicated on the kind of post-Fordist strategies which have proven so successful in what have become the most prosperous regions of Western Europe (Southwestern Germany, Southeastern France, Northern Italy, etc.), Chrétien ultimately ended up reproposing another "new and improved" version the old Left's "David vs. Goliath" scenario of a struggling but compassionate nation-state attempting to reign in omnipotent multinational corporations concerned only with maintaining high rates of profits. Thus, given the Canadian government's official support for NAFTA, GATT and other international economic arrangements, the only path open to the ruling Liberal Party turns out to be a tactical ideological retreat within precisely the kind of nationalist strategy advocated by Gwyn, Barlow, Campbell, *et. al.*: the rhetorical defense of Canada's "socialism in one country" as Canadian national identity. Budget deficits and the size of the national debt, however, have successfully contained this state interventionist ideology into a fiscally conservative corner.

42. Unlike Canadian nationalists who still argue for "collectivism" as the compassionate and morally superior alternative to an allegedly greedy and evil individualism, unorthodox Marxists have criticized central planning and bureaucratic centralism almost from the very beginning. For a short but useful summary of these critiques, see Antonio Carlo, "The Socio-Economic Nature of the USSR," in *Telos* 21 (Fall 1974), pp. 2ff. Formulated during the heydays of modernism when rationalization and technocracy were still regarded as historically inevitable, most of these critics could not foresee the unprecedented decentralization possibilities ushered in by postmodernity. Thus, instead of inquiring into the possibility of universalizing "the worker" as "the entrepreneur" or "the collaborator," they were concerned primarily with devising democratic controls over an hyperintegrated system of production.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

always necessarily inferior to a market whose subjects, the entrepreneurs, have always had access to both formal and substantive rationality, i.e., they can deploy modes of knowledge, bodies of information and social relations beyond the limited reach of formal rationality. Compounded with the parallel realization of the unintended consequences of redistributive measures in intensifying rather than diminishing the conditions originally responsible for the imbalances redistribution seeks to redress, the rapid decline of collectivist ideology has prefigured a new political cleavage between a new class of experts, managers and professionals, and those who are to be managed, "sensitized" or otherwise socially-engineered into "a new and improved humanity,"[43] — a vision based not on any democratic consensus, but on allegedly neutral and objectively valid "social-scientific knowledge." The postmodern relativization of knowledge as inextricably dependent on a pregiven axiological foundation exposes this modernist dogma of an "objective" social science as another unwarranted hypostatization to the level of universality, and therefore removal from critical scrutiny and political debate, of one particularistic perspective which, like all others, is in need of democratic legitimation before it can aspire to determining public policy.[44]

More specifically, what is in dispute is whether people are to be regarded merely as a *mass* of allegedly diverse but ultimately homogeneous clients to be managed according to a series of "politically correct" ideals translated into particular social engineering projects and institutional frame-

43. The myth of "the new man," successfully marketed by both fascist and communist ideology, did not disappear with the defeat of the Axis in WWII or the collapse of the USSR. It still thrives in Left-liberal ideology and is even uncritically recycled as late as 1993 in Trudeau's *Memoirs*, *op. cit.*, p. 62, as a modernizing ideal originally contraposed to the Quebec of the 1950s — a society deemed "provincial in every sense of the word, that is to say marginal, isolated, out of step with the evolution of the world," and therefore in dire need of reconstitution. Within such a framework, identity is emptied of any axiological content or organic relation with the past and simply reduced to a superstructural appendage of allegedly self-evolving modernist structures. It is merely a matter of adapting the subject to a vision of what *ought to be*, hypostatized to the level of historical necessity and legitimated by a dogmatic unilinear theory of progress. As Veneziani put it, however, today "the shipwreck of the *homines novi* marks the bankruptcy of the 20th century and of its unkept promises of redemption." See Marcello Veneziani, *L'Antinovecento: Il Sale di Fine Millennio* (Milan: Mondadori, 1996), p. 11. The persistence of the Quebec problem in Canada is but one symptom of the bankruptcy of Trudeau's ambitious project of national modernization.

44. The critique of "social science" as tendentially totalitarian — as developed by Karl Popper and his students — predates by several decades the advent of postmodernism. For the most radical version of this critique, see See Paul K. Feyerabend, *Farewell to Reason* ((London: New Left Book, 1978), and *Against Method* (London: New Left Books, 1979).

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

works,[45] or whether cultural identity is an irreducibly idiosyncratic characteristic defining the very essence and meaning of social existence. While for the first vision, typical of Enlightenment cosmopolitans, culture is an abstract variable arbitrarily appended to a more fundamental, homogeneous and universal humanity — a manipulable dimension consisting primarily of symbols and images — for the second the creation and recreation of cultural identities is first and foremost a function of traditions, decisions and intersubjectivity — face-to-face interaction and direct participation in concrete socio-political processes where culture is not just *thought* but also internalized and *lived*. If personal identity is indeed constituted by something more than the superficial ideological predilections humanists dismiss as manipulable secondary attributes (the privileged domain of intellectual elites controlling cultural production and reproduction), ethno-nationalist calls for secession may be regarded as desperate attempts to vindicate the primacy of a threatened life-style within a local or regional context where culture is not yet completely industrialized and remains intersubjective, pre-professional and therefore still constitutive of *organic* individual identities.

The paradox of all populist movements seeking to challenge intellectual elites is that, in order to do so, they must confront their opponents in their own domain — language and ideas. They need to develop their own intellectual counter-elite, thus running the risk of reproducing within their own ranks all the pathologies they otherwise seek to cure. It is not an accident that, in the past, populist movements have almost invariably capitulated ideologically to new cultural elites pretending to represent populist interests but which, by successfully redescribing and elaborating the crisis in their own terms, ended up developing new relations of domination even more pervasive and sophisticated than those they sought either to eliminate or contain. The American populists of the late 19th century paved the way, first, for the Progressive Movement of the pre-WWI years and, then, for the New Deal. The net result was that what at the time was primarily economic domination by the capitalists was substituted with

45. Multiculturalism, the New Class strategy to allegedly safeguard particularity, in fact only integrates and therefore homogenizes diversity within the predominant institutional framework. It ghettoizes the groups whose particularity it seeks to preserve, freezes and therefore destroys their identity once and for all, and leaves them all the more dependant on the central government that now guarantees their legal status — the latter being probably the real reason Trudeau was so keen in entrenching it in the Canadian Constitution. As Gwyn writes: "it assumes that our future is to be multicultural, multiracial, multicoloured . . . [and] it encourages apartheid" (*op. cit.*, p. 274).

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

mostly political domination by a new managerial elite in charge of the state.[46] While the confrontation between the defenders of cultural particularity and homogenizing cosmopolitans all too often turns out to pit two sets of new class intellectuals against each other[47] — thus falling prey to their well-known occupational hazards — fundamental differences between the two positions do not change.

The ready availability of knowledge through new communication technology does not necessarily translate into a more universal distribution. Experts, professionals and other intellectual elites are not likely to disappear in a sea of widespread knowledge anytime soon. Consequently, the problem of new class domination remains: particular intellectual elites with privileged access to knowledge are likely to continue to mediatize alienated constituencies — in the name of collective interests — to legitimate new liberal modes of domination marginalizing democracy to periodic ratificational rituals. What is at stake is not the elimination of "evil" elites, but the development of institutions within which they are accountable to particular constituencies where they also function as organic members. It is still a matter of finding an adequate institutional form allowing for the completion of the overall Western democratic project of constituting a domination-free society of self-determining subjects rather than mediatized clients. The experience of the last two centuries suggests that neither the nation-state nor other large political aggregations that rule out participatory democracy are adequate. The development of new political forms allowing for the successful integration of relatively autonomous political units small enough to permit effective citizenship while at the same time constituting distinct identities within larger coordinational bodies remains one of the most urgent tasks at the dawn of the 21st century.

---

46. See Lasch, *The True and Only Heaven*, *op. cit.*

47. It is no accident that the project of rapid centralization of Canada as a whole was paralleled, if not triggered, by the "quiet revolution" in Quebec — a provincial project of rapid modernization which reproduced *within* Quebec all of the conflicts unfolding in Canada at large, not only between francophone, anglophone and allophones, but also, more importantly, between Quebeckers of European descent and the various arboriginal nations within the province. Thus the conflict between Quebec and the rest of Canada must not be seen only in Quebec nationalist terms, i.e., as an attempt to vindicate *sic et nunc* cultural particularity against Ottawa-imposed homogenization, but also as a clash between two competing elites — one with a federal and the other with a provincial agenda and power base. See Bercuson and Cooper, *op, cit.*, pp. 109ff. It is not surprising, therefore, that the increasingly loud call for partitioning Canada has been echoed by similar calls for the simultaneous partition of Quebec — precisely for the same reasons. For a review of the myriad of proposals for the partition of both Canada in general and Quebec in particular, see Reid, *op. cit.*

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Recent calls for secession can be interpreted as last ditch efforts to break an unacceptable political contract increasingly threatening to clientize and disempower a substantial sector of the population. This is possible, however, only in a context where geography and demography are conducive to the enactment of a new political contract over part of the former territory where that threatened constituency can reassert its economic, political and cultural sovereignty. This is an extremely serious predicament. It can take place peacefully and orderly only within federations, confederations or other political units where the constitution is regarded, implicitly or explicitly, as essentially a *contractual document* and secession, therefore, amounts to breaking the political contract — therefore primarily a technical matter of costs, penalties, division of common assets, etc.[48] Within nation-states the constitution is considered a *pact*, therefore unbreakable and revocable only through extra-legal means. The question in most countries confronted with secessionist movements, however, is not only whether they are bound by a contract or a pact but also, and more importantly, whether the objective is to found a new nation-state or, in cases where the countries in question were already confederations, whether to *refound* the confederation.[49]

48. The American Civil War ultimately was fought to resolve the issue of whether the US Constitution was a revocable contract among an aggregation of states or an irrevocable pact establishing a nation-state. Thus, with the defeat of the South, the US became a *de facto* nation-state attempting ever since to eliminate recalcitrant federal residues, while increasingly generating all the internal tensions typical of nation-states. Canada has not had to decide, at least not until the current Quebec crisis. Since it is extremely unlikely that Canadians would resort to violence to force Quebec to remain part of Canada if and when Quebec decides to secede, and it is equally unlikely that the province will ever acquiesce to the kind of homogenization imposed by Ottawa, the only real choice is between refounding the Canadian confederation or break up, in which case the concrete alternative would be to seek a different kind of confederal arrangements along the general lines already laid out by NAFTA — both by a now sovereign Quebec and the rest of Canada.

49. Thus, it is entirely consistent, for those Canadian conservatives insisting on the illegitimacy of the 1982 Constitution on the ground that Canada was actually based not on any written document (i.e., a contract), but on the tradition of English common law (i.e., a pact) to argue for the illegitimacy of secession, independently of a prior democratic approval from the rest of Canada. See Gairdner, *Constitutional Crack-Up*, *op. cit.*; and McDonald, *op. cit.* While it is most unlikely that the rest of Canada will want to *force* Quebec to remain part of Canada in case it decides to go, in the worst possible scenario in which that would happen the result would be the degradation of Quebec to an internal colony and the endless political tribulations associated with such a state of affairs. Fortunately, the conservative argument is also predicated on a radical decentralization and reconfederation of Canada, in which case the question of Quebec's sovereignty would be automatically resolved.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

***Centralization, Secession and the New Relations of Domination***

At least since the French Revolution, modern politics has been predicated primarily on economic conflicts. To the extent that these conflicts have always been interpreted, articulated and directed by intellectuals, equally relevant or even more fundamental political divisions between these intellectuals and the rest of the people they tend to "clientize" have hardly even been formulated, thus implicitly legitimating and depoliticizing new relations of political domination predicated on the ownership of socio-political rather than economic capital. While in the 18th and 19th centuries traditional capitalists had to develop elaborate ideologies to conceal the kind of unequal exchange which made possible the accumulation of their wealth, it was much easier for intellectuals and other owners of social capital to conceal the relations of domination which placed them into a privileged position of power. To the extent that they themselves were entrusted with the production and reproduction of culture, it was simply a matter of reducing all domination to economic relations. Except for the anarchist tradition, which usually was systematically ignored and could attract attention only by throwing an occasional bomb, there has been little discussion of the extent to which the various 19th century projects of national unification, the affirmation of particular peoples as distinct, self-determining political entities, far from merely constituting the inevitable fulfillment of historical collective aspirations, were also projects of cultural totalization whereby a distinct group of modernizing intellectuals imposed its *particular* vision of collective national identity on an otherwise more or less passive populace.

Although academic circles unwilling to break with those self-serving aspects of the Marxist legacy legitimating them as higher moral agents insist on reducing all conflicts to their more "real" economic parameters, it is obvious nowadays that economic relations are far from being the *only* source of social conflict. The privileged status of economic conflictuality as an explanatory model within the social sciences deemphasizes the growing relevance of the cultural-political split between a managerial elite entrusted with cultural and political administration and the increasingly clientized mass of the rest of the people. The result has been the practically universal acceptance of a one-sided vision of history as an unrelenting class-struggle between labor and capital, while intellectuals as the agents of an equally divisive and destructive cultural-political domination generating similar conflicts have managed to conceal their role, thus legitimating themselves as the new

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

secular priesthood: the disinterested brain and conscience of an allegedly self-determining polity.

In this sense, Marx's critique of Hegel's defense of the bureaucracy as a neutral class is even more on the mark when applied to intellectuals, professionals, managers, experts, etc., and goes a long way to explain the otherwise incomprehensible process of national disintegration at the end of the 20th century as the failure of a project of cultural homogenization and political centralization. Inextricably bound with the existing bloated administrative apparatus which they run and from which they receive employment, power and prestige, the new class of intellectuals that came to power after the French Revolution in Europe and with the deployment of the welfare state in North America are loath to entertain as an alternative to secession the radical decentralization of nations into confederations of smaller political units allowing for the kind of accountability, direct democracy and self-determination all but impossible within the former: aggregations of neighborhoods, villages, cantons, the *polis* and other local units which historically have provided the only instances of real democracy thriving for any substantial length of time. Usually dismissed as terminally idiosyncratic and geographically specific by statist intellectuals, the Swiss system, even more than the slave-ridden Greek *polis*, may yet turn out to be *the* political model for the 21th century.[50]

Such a model would readily accommodate regional-populist and ethno-national demands without precipitating outright secession or the forced reimposition of national unity— a strategy usually leading to terrorism and eventually even civil war. For both regional-populists and ethno-

50. For a summary account of the Swiss model, see Willi Goetschel, "Switzerland, For Example: 700 Years Old and Still Going Strong," in *Telos* 88 (Summer 1991), pp.155-166. The Swiss model often comes up in discussions concerning the reconfiguration of Canada — to be dismissed by Canadian nationalists and praised by their opponents. In fact, the concept of sovereignty-association — something differing from the Swiss model primarily in its recognition of only *two* constituting units rather than a plurality of provinces or cantons — was advocated by Quebec nationalists as an alternative to the existing federal arrangement, but summarily dismissed by practically everyone else. It was never discussed seriously other than in terms of power distribution among the provinces or between the federal and the provincial government, and even otherwise careful critics such as Lemco and Brimelow do not deal with it in any meaningful way, in favor of either speculating about problems of partition (which would be unnecessary in case of a radical reconfederation of Canada as well as of Quebec), or the irrationalities of Quebec's language laws. See Lemco, *op. cit.*, pp. 62-79; and Brimelow, *op. cit.*, pp. 205ff. The Allaire report, commissioned by Quebec's Liberal Party, practically recommended the same Swiss model, but was simply put aside as an expression of Quebec's arrogance and greed, without investigating the possible extension to all the provinces or even within the provinces of the kind of prerogatives Quebec sought. See Russell, *op. cit.*, pp. 160ff.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

nationalists, the culprit is ultimately that national cultural/political/managerial elite not only in charge of making political decisions and controlling cultural reproduction but also entrusted with overseeing and running an ever growing, expansive, wasteful and often counterproductive administrative apparatus. Such calls, however, have historically translated into new institutional or political arrangements, which have tended to recreate or intensify precisely the same problems they originally sought to solve. Thus, earlier political manifestations of populist sentiments have resulted in an even more pervasive entrenchment of the new class of bureaucrats, experts, professionals, etc., after the Progressive Movement paved the way for the New Deal.[51] This may have to do with the fact that these issues were originally posed primarily in terms of a class struggle between capitalism and working people, therefore in terms of the traditional Left/Right paradigm where, both in revolutionary and social-democratic contexts, the people's interests end up represented by a "progressive" new class entrusted with gaining state power. In so doing, instead of being exposed as the problem, i.e., a new ruling class managing new relations of domination, the new class succeeded in presenting itself as the solution: the people's paladins struggling against capitalist domination or, to use the new class' more recent designation, against globalization.[52]

---

51. Russian and South American populism have had roughly similar outcomes: the first, self-destructed in the 1870, only to pave the way for Bolshevism — a paradigmatic new class ideology — half a century later; while in Latin America Peronism and similar movements also intensified new class domination. For an extensive analysis of populism today, see the two special issues on the subject in *Telos* 103 and 104 (Spring and Summer 1995, respectively). The history of Quebec separatism since the beginning of the 1960s shows exactly the same pattern, with the rise of a native new class seeking to vindicate Quebec particularism against Ottawa's universalism.

52. Some of the more perceptive Marxists have had no problems identifying the fundamental political changes that took place as a result of late 19th century economic struggles. See Mario Tronti, *Operai e Capitale* (Turin: Einaudi, 1966) [parts of this work have appeared as "Workers and Capital," in *Telos* 14 (Winter 1972), pp. 25-62]. Although the reading of labor as the real winner in the New Deal reforms was part and parcel of standard post-WWII orthodox Marxist historiography attempting to reinterpret the integration of the labor movement in the capitalist system as but a phase in the path to eventual world revolution (thus salvaging the general theoretical framework in the face of the constant empirical falsifications provided by the economic boom of the 1960s), there was a major change. Tronti and other new class ideologues redescribe the shift in political conflictuality in terms of economic struggles between labor and capital giving way to political ones between the people and the state, on one hand, and capital, on the other. With the advent of postmodern decentering and heterogenification, however, the new political conflictuality seems to pit the New Class now entrenched in the federal and local bureaucracy against capital and people no longer atomized as abstract workers but transubstantiated into active members of organic, self-determining communities.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Growing secessionist calls at the closing of the 20th century prefigure a new political clash of two qualitatively different world-views: a statist-modernist one, according to which professionals with exclusive access to knowledge and expertise manage the affairs of an increasingly state-dependent populace deskilled to the point of no longer being able to take care of itself, and a postmodernist-populist alternative, predicated on something resembling the old Marxist ideal of the social individual more or less in charge of his or her destiny but, unlike in the orthodox Marxist model of transition, unencumbered by the omnipresence of an all powerful state and operating within the confines of organic self-governing communities confederated into broader political units (the 18th century revolutionary American ideal or something close to the Swiss cantonal system).[53]

Since predominant political discourse is the privileged domain of New Class intellectuals, it tends to remain straightjacketed within the old Left-Right paradigm, where the Left is automatically identified with the universality, equality and formal rationality of the modern state, as articulated by its administrators and ideologists. Thus, any secessionist movement seeking to vindicate cultural particularity or regional autonomy against the homogenizing role of the central state — no matter how committed to traditional Left values of "*liberté, fraternité, egalité*" —inevitably ends up cast as regressive, anachronistic and right-wing. As a result, today there is considerable confusion concerning not only the meaning of the various calls for secession, but also in the very self-understanding of the political agents entertaining the possibility. Umberto Bossi and the Italian Northern League are thus routinely cast as right-wing aberrations.[54] So is Western Canada's Preston Manning, whose Reform Party has traced a parallel political trajectory during roughly the same time period (1987-1993),[55] as well as the various Catalan, Welsh or Scottish movements flirting with secessionist options. Whereas nationalism was once a right-wing predilection opposed to leftist cosmopolitanism, in the

53. See Paul Piccone, "Postmodern Populism," in *Telos* 103 (Spring 1995), pp. 45-86'; and "The Crisis of Liberalism and the Emergence of Federal Populism," *op. cit.*

54. See Roberto Mannheimer, *La Lega Lombarda* (Milan: Feltrinelli, 1991).

55. Dobbin, *op. cit.* goes out of his way to expose Manning as a right-wing ideologue. While some members and former officials of the Reform Party do not hide the fact that they would like to see Manning drop all the populist chatter and ambiguity in favor of establishing a straight-forward Party of the Right to simply displace a bankrupt Progressive-Conservative Party that has lost its bearing and capitulated to Liberal ideology, it has not happened. In fact, many people making such demands have either left the Reform Party or become marginalized within it. See Tom Flanagan, *Waiting for the Wave: The Reform Party and Preston Manning* (Toronto: Stoddart, 1995).

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

age of postmodern fragmentation it is the Left as redefined by the New Class that, since the theorization of "socialism in one country," has turned conservative and has become the most committed defender of statism, managerialism and the *status quo* in general.

From an Enlightenment perspective terminally mired in a vision of the "just society"[56] as one composed of homogeneous abstract individuals interacting according to (or even constituted by) universally valid rules and regulations presumably derived from the very structure of Being — the ultimate theological foundation of traditional Left-liberal ideology, from Engels' crude materialism to Jürgen Habermas more sophisticated discourse ethics[57] — the vindication of an irreducible cultural particularity as the axiological presupposition for political organization or merely an organic society can only appear as an exercise in egoism, greed or, at best, provincialism. This is why leftists and liberals misunderstand the logic of events resulting in the call for secession and remain generally unsympathetic toward any movement of the kind. This is also why traditional Left-liberal ideology is terminally associated with an historically exhausted age characterized by modernity, the Cold War and what the Frankfurt School used to call "the totally administered society" — a transitory phase between pre-industrial and post-industrial society.

Along with other phenomena, the meaning of secession also changes over time because of changed economic and geopolitical conditions. In the present context of globalization and cybernation, it takes on a new and unprecedented meaning. It can no longer mean, as it might have for the American Confederacy, the establishment of merely another political unit similar, except for a few details, to the one left behind — something many Quebec separatists do not quite seem to understand, as they propose to reconfigure Quebec along the very same lines of the centralized Canada they want to leave behind. Rather, today it must be understood primarily as a provocation meant to precipitate a radical restructuring, downsizing or refounding of the centralized welfare states within which secessionist movements arise. At a time when practically all production is for a world market, almost everyone seems tied to the Internet and everyone's life is more than ever embroiled with international dynamics, secession makes sense only in

---

56. This was Trudeau's central theme in his 1968 campaign. See Trudeau, *Memoirs*, *op. cit.*, p. 87ff. cf. also the first chapter of Barlow and Campbell, *op. cit.*, on "Building the Just Society," *op. cit.*, pp. 7-40.

57. Jürgen Habermas, *The Theory of Communicative Action*, Vol. 1, tr. by Thomas McCarthy (New York: MIT Press, 1984).

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

terms of a simultaneous reintegration within an alternative framework allowing for both relative autonomy and belonging. Ivon Deschamps' "independent Quebec within a united Canada"[58] is a self-contradiction only if a united Canada is understood as a nation-state rather than a loose confederation. Autonomy and unity are not necessarily contradictory goals, but precisely what confederations have historically sought to provide, before the New Class redefined itself as the collective conscience and undertook to homogenize all under the benevolent dictatorship of the welfare state.

Torn by the Quebec separatists' ethno-nationalist warnings[59] and subsequently by the Western provinces' increasing annoyance with the Quebec problem, Canada provides a perfect example of a country where New Class excesses have brought a previously rather stable and peace-loving society to the brink of disintegration. While the past four decades have made it clear that Canada is willing to do practically anything short of substantially dismantling the central state to meet Quebec's demands— even when confronted with the terrorism of the *Front de Libération de Québec* in the early 1970s or Léon Dion's "knife at the throat" strategy in the 1990s — an increasingly unmanageable national debt and an extravagantly high level of federal expenditures is necessitating the kind of reforms seemingly impossible to implement through rational political discourse. Although Canadian liberals readily acknowledge that the size of the national debt is unacceptable and must be reduced, they are unwilling to accept the consequences, i.e., radical downsizing of the welfare state and relegitimation of provincial governments as the only level of government responsible for local needs. The preferred statist strategy is to call for the deployment of variations of

58. As quoted in Gwyn, *op. cit.*, p. 136.

59. Recently impatience with Quebec has grown substantially — to the point that it may no longer be simply a question of secession, but one of expulsion from a Canada exhausted by futile constitutional debates and the not always warranted perception in the rest of Canada that Quebec demands for equal status with "English Canada" amounts to demanding privileges not available to other provinces. Clearly, Canada's ambitious welfare state is incompatible with the survival of Quebec's cultural identity. See Bercuson and Cooper, *op. cit.* Although the focus has been primarily on how to accommodate Quebec's concerns within the existing welfare state, fiscal imperatives imposed by an increasingly unmanageable national debt have already led to a significant downsizing of government, thus paving the way for the sudden compatibility of a bankrupt Ottawa and a *de facto* sovereign Quebec. As Gairdner put it: "Just as the normal tensions of the French-Canadian minority within Confederation were grossly exacerbated by the rise of the controlling welfare State, the solution, if we wish to keep Quebec in the Confederation, is to relieve the tensions by reversing this process." See Gairdner, *Constitutional Crack-Up*, *op. cit.*, p. 110.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

standard Keynesianism and protectionism — even while acknowledging that only WWII military spending allowed North America to overcome the Great Depression.[60] In the meantime, radical reforms are being implemented without a great deal of fanfare, in order at least to prevent ideology from fading along with recent statist practices. As Barlow and Campbell put it: "The Liberals, the embodiment of the 'one Canada' ideal, instead of proclaiming aloud their intentions and actions, are decentralizing the country by stealth, behind close doors."[61] Not only is this likely to result in a healthier and more self-reliant society finally able to live with sharp internal cultural differences such as Quebec's, but also confront the challenges of "globalism" — the new code-word for capitalism — in a postmodern world run by autonomous people rather than by the welfare state's new class of social engineers.

### *Quebec Separatism, Western Populism and Canadian Predicament*

The history and vicissitudes of Canada's tribulations with Quebec are documented by an immense literature, which cannot be summarized satisfactorily within a few pages.[62] Yet, the basic outline is rather simple. As a country comprising at least two distinct peoples[63] with different customs, languages, religion, civil-legal structures, etc. Canada functioned smoothly, with little internal strife, as long as it remained a confederation and the role

60. Gwyn, *op. cit.*, pp. 101-106.

61. Barlow and Campbell, *op. cit.*, p. 215.

62. For a useful summary focussing primarily on recent events, see Lemco, *op. cit.*; and Russell, *op. cit.*

63. Only long after the 1982 repatriation of the Constitution, i.e., during the formulation of the Charlottetown Accord and with the creation of the self-governing territory of Nunavut, did aboriginal nations finally achieve *de facto* recognition as a distinct people. See Russell, *op. cit.*, pp. 192ff. This development had to do both with the process Russell correctly describes as the Canadians' still incomplete attempt to constitute themselves as a sovereign people, and the failure of the Meech Lake Accord — the first serious effort to systematically revise the 1982 Constitution and legitimate it by obtaining Quebec's assent (which had been lacking as a result of the way Trudeau had cunningly managed to generate a consensus for repatriation by excluding Quebec). That Accord failed not only because of Newfoundland's rejection, but also because of Elijah Harper's refusal to vote for it in the Manitoba legislature, where unanimous consent was needed, on the ground that it was not acceptable to the aboriginal peoples he represented. At any rate, the correction of these flaws — both in terms of recognizing particular peoples and empowering them to participate in collective decision-making — had already been prefigured by the affirmative action clause of the 1982 Canadian Charter of Rights and Freedoms, which provided for the possibility of a multitude of racial, ethnic, religious and national groups claiming special status. Such a constitutional-bureaucratic solution, however, also entailed the unintended consequence of fragmenting Canadian society into a multitude of different peoples with frozen identities derived from new *de facto* corporate bodies.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

of the central government in Ottawa remained limited. When in the 1960s, along with the rest of the world, Canada found itself in the midst of an unprecedented economic boom, the government undertook an ambitious project of institutional centralization and modernization predicated on the deployment of one of the world's most extensive welfare states.[64] This innovation drastically altered Canadian society and intensified long-standing tensions, such as Quebec's claim to be a distinct society,[65] which had hitherto been only minor annoyances. Thus today Canada is confronted with a national identity crisis of unprecedented proportions — a crisis which, unless resolved by means of major structural reforms, threatens to fragment the country into two or more separate units.[66]

Eventually this modernization project, including the welfare state, was even entrenched in the 1982 Constitution — an unnecessary and carelessly drafted document whose hidden agenda was to institutionalize as the most fundamental law of the land the socio-economic vision of a particular intellectual elite.[67] Up to that time Canada was ruled under the

---

64. Nationalists seeking to associate Canada's national identity with the welfare state *sic et nunc* trace its origins as far back as "the leadership convention of 1919, [when] Mackenzie King committed himself to the construction of a welfare state that would include medicare, unemployment insurance, and pensions" (although they readily admit that "it would be decades before such reforms would be realized," i.e., between 1935 and 1948, in response to the Depression). See Barlow and Campbell, *op. cit.*, p. 13ff.

65. According to Gairdner, "the strength of the recent French-Canadian desire for separation must be understood in large part as a reaction to Canada's Charter-imposed, interventionist welfare State regime, without which Quebec disgruntlement would be an ongoing but minor irritant on the body politic." Gairdner, *Constitutional Crack-Up*, *op. cit.*, p. 91.

66. As Russell concludes his account of recent constitutional controversies, "the Canadian people may have become constitutionally sovereign without having constituted themselves as a people" (*op. cit.*, p. 235). In other words, Canada is a pseudo-nation created by a central state which needed to invent homogeneous "Canadians" to legitimate itself. As such, Quebec's secessionist sentiments can be seen as a refusal to be transformed into an abstract, undifferentiated humanity: Trudeau's cosmopolitan ideal. It is particularity's refusal to dissolve into abstract universality merely in order to participate in pseudo-nationhood. As Guy Rocher put it: ". . . a multicultural Canada is the absence of a national culture . . . [there is no] historical precedent for nationhood founded on the concept of a mini-United Nations. . ." As quoted in McDonald, *op. cit.*, p. 66.

67. Thus Trudeau was not just boasting when he wrote: "On the whole, the Constitution Act largely enshrined the values I had been advocating since I wrote my first article in *Cité libre* in 1950." See his *Memoirs*, *op. cit.*, p. 328. Not only is the welfare state well entrenched in Section 36 of the Constitution Act of 1982 (see *The Constitution Acts 1867 to 1982* [Ottawa, Ministry of Supply and Services, 1996], p. 67) but subsequent proposals for constitutional modifications, such as the Charlottetown Accord, even sought to expand its scope. For the text of this document, see Russell, *op. cit.*, p. 241.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

1867 British North America Act — a document which, drafted immediately after the trauma of the American Civil War, embodied the functional equivalent of the exact opposite of the 10th Amendment to the US Constitution, positing the priority of the federal rather than the state or provincial governments.[68] Although in principle this Act left all matters not explicitly assigned to the provinces in the hands of the central government, the country's vast geographical expanse was simply not amenable to a centralized form of governance — at least not under 19th century conditions. Thus Canada remained essentially a loose, decentralized confederation — thanks also to fiscal provisions according to which raising revenues for provincial needs remained the prerogative of the particular provinces. While these arrangements were gradually eroded during the next century, it was not until the 1960s that centralizing pressures became significant, finally succeeding in turning Canada into a *de facto* nation-state after the enactment of the present Constitution in 1982. At that time, under the pretense of severing the last remaining formal ties with England by "patriating" the Constitution, Trudeau actually managed to patriate a Trojan horse concealing all the particular policies he considered essential for transforming Canada into the centralized welfare state it is today.

Before 1982 Canada's constitutional framework was marred by a major anomaly: ultimate amending authority remained with England. This went back to 1931, when the Statute of Westminster recognized the independence of the self-governing countries of the Commonwealth. At the time, the federal and the various provincial governments in Canada were unable to agree on an amending formula and, consequently, asked to be excepted. As a result, Canada became "an independent country obliged to turn elsewhere for approval of any proposed change to its constitution."[69] Since, however, no British government was likely to interfere in Canada's internal affairs by vetoing any proposed constitutional amendment, after that there was no immediate urgency to "grease a wheel that did not squeak." Thus, it remained that Canadian constitutional disputes could not be resolved by Canadian institutions but had to

68. See Brimelow, *op. cit.*, pp. 32-33. Thus, it is not surprising that many opponents to confederation in the 1860s deployed arguments strikingly similar to those of the American anti-federalists in the previous century. Much of the opposition, however, was predicated on traditional pro-British sentiments, e.g., the wish to keep Canada an integral part of a British Empire reconfigured as a an international federation. See J. M. Beck, "Joseph Howe: Anti-Confederate," in G. A. Rawlyk, ed., *Joseph Howe: Opportunist? Man of Vision? Frustrated Politician?* (Toronto: Copp Clark, 1967).

69. McDonald, *op. cit.*, p. 8.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

be formally adjudicated by the United Kingdom's Judicial Committee of the Privy Council. Patriation meant the Canadianization of the amending formula. By allegedly remedying once and for all this technical pseudo-problem, however, in 1982 the patriation of the Constitution created many real ones.

Hastily drafted and lacking any *de facto* democratic legitimacy, this document is generally acknowledged to be "an achievement of elite accommodation"[70] put together behind closed doors by a handful of shortsighted politicians concerned more with immediate *Realpolitik* than with providing the foundations for a modern federation able to successfully mediate the affairs of an advanced industrial society — hence its designation as "the kitchen accord."[71] Not surprisingly, it turned out to be a confused, incoherent document, whose unintended consequence was to significantly diminish rather than enhance whatever Canadian specificity may have remained up to that point. Thus, it is now universally acknowledged that it Americanized the Canadian legal framework by vastly increasing the power of the judiciary, replicating all the problems of the US Constitution while benefitting from none of its virtues. Even critics such as Lipset, who usually go out of their way to identify often insignificant social and cultural differences between the US and Canada, readily acknowledge this unintended outcome: "Perhaps the most important step that Canada has taken to Americanize itself — far greater in its implications than the signing of the free trade treaty has been the incorporation into its constitution of a bill of rights, the Charter of Rights and Freedoms, placing the power of the state under juridical restraint."[72]

---

70. Russell, *op. cit.*, p. 120.

71. See Roy Romanow, John Whyte and Howard Leeson, *Canada . . . Notwithstanding: The Making of the Constitution 1976-1982* (Toronto: Carswell/Methuen, 1984), p. 208. For a summary account of Trudeau's machination to patriate the constitution, see Russell, Ch. 8 "Round Three: Patriation," *op. cit.*, pp. 108-126. See also McDonald, *op. cit.*, pp. 1-13.

72. See Lipset, *op. cit.*, p. 225. See also Gwyn, *op. cit.*, p. 60, according to whom the Charter "has also turned Canadians into litigious rights-seekers on the American model." While *prima facie* desirable in terms of allegedly protecting citizens against abuses of state authority, constitutionally guaranteed rights establishing a direct relation between the federal government and individual citizens bypass and marginalize all intermediate government levels, eventually weakening the federation and reducing it to a garden-variety nation-state. More broadly, as Schmitt and other constitutional scholars such as Seydel and Colhoun have argued, any *federal* constitution with a *democratic* foundation such as Canada's "leads organizationally to a distinctive type of state — a *federal state without a federal foundation*" — which is no longer a federation. See Schmitt, "The Constitutional Theory of Federation," *op. cit.*, p. 54ff.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

More importantly, it displaced Canada's English common law tradition in favor of French-style constitutionalism.[73] The "Canadian Charter of Rights and Freedoms" guarantees equal individual rights in Section 15(1), but the very next Section 15(2) contradicts it by entrenching an affirmative action clause paving the way for all sorts of special privileges for "disadvantaged individuals or groups including those that are disadvantaged because of race, national origin, colour, religion, sex, age or mental or physical disability."[74] More broadly, the status of the whole document is immediately undermined by qualification set forth in its very first article making the Charter's provisions contingent on the vagaries of positive law since it is "subject . . . to such reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society."[75] Furthermore, with the exception of the right to vote, mobility and language rights, Section 33 — the infamous "notwithstanding clause" — allows the provincial legislatures or the federal Parliament to enact legislation violating *any* of the Charter's provisions.[76] The rest of the Constitution is equally sloppy and reflects the careless way in which it was formulated as a compromise among politicians interested primarily in their own particular agendas. It must be the world's only constitution which, among other things, contains

---

73. Concretely, what this means for Canada is that, notwithstanding the considerable autonomy its provinces still enjoy, if and when the present constitutional crisis is resolved by fine-tuning the current document, the result is very likely to be codification along the lines of a normal nation-state. While problematic, this is not an unusual constitutional trajectory — one that can be warranted by democratic mandate or, e.g., as in the case of the US, imposed by force (the Civil War). This is why conservative critics are correct in objecting to "Trudeau's revolution" for resolving Canada's original ambiguity of being "the home to two conflicting styles of government, commonly known as the English-style, and the French-style" entirely in favor of the latter, without any real *democratic* mandate. See McDonald, *op. cit.*, p. 105ff. Thus, "The system of top-down government imposed on the country through Pierre Trudeau's written Charter" is seen as instrumental for "the creation and maintenance of a New Class. . . ." and responsible for the country's tittering on the brink of bankruptcy and disintegration (*ibid.*, p. 88).

74. See *The Constitution Acts*, *op. cit.*, p. 61.

75. *Ibid.*, p. 58.

76. The Canadian Constitution is not alone in turning universal freedoms into particular privileges and rendering its basic rights meaningless through particular limitations. Thus, although the basic rights guaranteed by the Weimar Constitution were also nullified by their subalternation to positive law, this antinomy was not as blatant as in the Canadian case. See Carl Schmitt, "Freiheitsrechte und Institutionelle Garantien der Reichsverfassung," in *Verfassungsrechtliche Aufsätze*, *op. cit.*, pp. 140-173. Whereas it takes Schmitt over thirty pages to clarify how in the Weimar Constitution "the path from general freedom to privilege is often very short," passing through "special guarantees and assurances of freedom" (*ibid.*, p. 171), no such effort is required to unravel it in the Canadian Constitution, where the feat is accomplished on the very same page.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

explicit provisions concerning wood chips and sawdust.[77]

The Canadian Constitution's most consequential outcome has been the unintended launching of the construction (albeit, still incomplete) of precisely the kind of *nation* predicated on *popular sovereignty* whose rejection two centuries earlier had resulted in the creation of Canada. After all, Canada is the country of the descendents of those loyalists who refused to join the American Revolution to remain, instead, subjects of the British Empire[78] — those people who, in Gwyn's words "came north so they could continue to be ruled by a monarch rather than, in their terms, 'by the mob'."[79] This defining trait had become objectified in the document establishing confederacy, the British North America Act of 1867 — a document explicitly drafted to distance Canada from the US. In a defiant rejection of the American ideals of "life, liberty and the pursuit of happiness," it created a country based on "peace, order and good government." As a result of the launching of this belated project of nation-building in the 1960s, the regional particularity guaranteed by the earlier loose confederal framework, what had hitherto allowed the unease, yet relatively unproblematic coexistence of Quebec and the rest of the Canadian provinces, became compromised by an increasingly interventionist central government.[80] Notwithstanding the fact that even today Canadian

---

77. *Ibid.*, p. 57.

78. Lipset, *op. cit.*, p. xiii. Canadian social-democrats extend this historical tendency to explain today's alleged Canadian "collectivist" predilections for statism, as opposed to the "individualism" allegedly predominant South of the border. See Barlow and Campbell, *op. cit.*, pp. 7ff. and Gwyn, *op. cit.*, p. 61. This is nothing new. Already in the 1950s Clark and Innis had already made the very same arguments. See Harold A. Innis, *Essays in Canadian Economic History* (Toronto: University of Toronto Press, 1956); and S. D. Clark, *The Developing Canadian Community* (Toronto: University of Toronto Press, 1962).

79. Gwyn, *op. cit.*, p. 18.

80. While Quebec's "quiet revolution" did usher in the same project of rationalization, planning and centralization Ottawa was undertaking for all of Canada, it was prefigured by the recommendation of the 1953 Tremblay Commission, established to formulate "Quebec's response to the increased activism of the federal government since the end of the Second World War, not only in spheres of fiscal, economic, and social policy, but also in the area of cultural policy." See Bercuson and Cooper, *op. cit.*, p. 104. Although those recommendations did not immediately translate into a strategy to defend Quebec's conservative, Catholic culture, they eventually resulted in the Lesage government's "quiet revolution," where "the new church was the government of Quebec, the new religion was French nationalism, the new clergy were the political leaders, intellectuals, and bureaucrats who would serve the needs of 'the parishioners' who were the people of French Quebec." *Ibid.*, p. 106. See also Kenneth McRoberts, *Quebec: Social Change and Political Crisis* (Toronto: McClelland & Stewart, 1988); and Léon Dion, *Quebec: The Unfinished Revolution* (Montreal: McGill-Queen's University Press, 1976).

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

provinces retain a much greater degree of autonomy than states in the US,[81] the centralization brought about by this institutional modernization undermined the precarious confederal balance and precipitated the present constitutional crisis.

Fueled by the military spending of the Vietnam War, the 1960s were the years when the "end of ideology" was practically official policy — despite the fact that it was being increasingly falsified precisely at that time by the rise of the counterculture and the anti-war movement. It was a time when practically all Western governments bought into the technocratic pipe-dream of "modernization theory," the ideology of unlimited progress, and the belief that with the right amount of Keynesian pump-priming rapid economic growth could go on forever. All one had to do was to plan properly, fine-tune the economy, and social problems would melt away under the heat of lavish government spending. Most West European countries, Japan and the US already had in place the kind of strong central government needed for the task. Canada did not. Thus Trudeau, following Lester Pearson's initial tentative steps, took it as his historical mission the creation of such a government — one which would at the same time solve the problem of Quebec separatism once and for all by integrating it with the rest of a rapidly modernizing Canada. In order to do this, however, it was also necessary to homogenize the rest of the country to accommodate Quebec's linguistic particularity. Thus, in order to reassure French Canadians that they would not be lost in a sea of English speakers, he undertook to coerce English Canada into learning a second language and becoming bilingual.[82] There were never any questions concerning the final objectives. It was only a matter of timing. As Trudeau put it: "in terms of political tactics, the only real question democratic socialists must answer is: how much reform can a majority of the people be brought to desire at the present time?"[83]

Western democracies, however, are very resistant to constitutional modifications, especially radical ones, such as altering a country's fundamental political framework from that of a confederation to that of a

81. As Lemco put it, "along with Switzerland, Canada is among the most decentralized federations in the world today." See Lemco, *op. cit.*, p. 165.

82. According to Lise Bissonnette, the editor of the Montreal newspaper *Le Devoir*, "Trudeau's entourage admits today [April 1992] that these [linguistic] clauses were the primary reason for the entire [constitutional] exercise." As quoted in McDonald, *op. cit.*, p. 3. Unfortunately, Canada has yet to become bilingual anywhere (with the possible exception of the federal bureaucracy) — despite the large amount of financial resources the federal government has spent on the project. See Brimelow, *The Patriot Game*, *op. cit.*, pp. 78ff.

83. As quoted in Brimelow, *The Patriot Game*, *op. cit.*, p. 65.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

nation. Usually, only under conditions of severe crisis is it possible to master the kind of consensus for changes which may otherwise be debated *ad infinitum* and, eventually, modified beyond recognition. It was only after the trauma of the Civil War that the US government could launch its own project of nation-building, and the centralization needed to deploy the New Deal became acceptable solely to the extent that it was marketed as *the* solution for the Great Depression. It was no different in Canada, where fiscal federalism began to be effectively subverted only in 1941 when, "during a wartime emergency, the provinces were 'persuaded' to let the federal government collect all direct taxes in the country."[84] This allowed the Canadian federal government to sponsor scores of cost-sharing programs which, in the long run, altered the balance of power between the provinces and the central government, much more than "any formal constitutional amendment."[85] It thus created the necessary preconditions for centralization and led to the eventual obliteration of Canada's confederal character, as well as a stultifyng constitutional crisis which remains unsolved over three decades later.[86]

When the homogenization required by the post-1960s massive state intervention heightened tensions between Trudeau's efforts to turn Canada into a unitary state and a Quebec desperately trying to retain its particularity, the die was cast. There could only be three possible outcomes: Quebec could have accepted Ottawa's hegemony, forget about its Frenchness, and blend in with the rest of English Canada (more or less as had happened to Luisiana in the US); Canada could have broken up so that a sovereign Quebec could have retained full social and cultural autonomy; or the whole project of developing a bilingual *national* welfare state could have been scrapped as a mistake, leaving it up to the provinces to modernize and develop whatever cultural or welfare programs they deemed desirable

84. See Russell, *Constitutional Odissey*, *op. cit.*, p. 69.

85. *Ibid.*, p. 70.

86. Two major attempts to find a solution have already failed and the crisis does not seem likely to be resolved any time soon. This predicament has nothing to do with the particular contingencies which resulted in the rejection. As R. Kent Weaver has pointed out, "The failure of the Meech Lake Accord was not the result of a tiny minority using veto points to block an agreement supported by a near consensus in Canadian Society, for no such consensus existed. Rejection of the accord reflected the basic incompatibility of the Quebec and western constitutional reform agendas and the delegitimation of traditional consociational arrangements (notably executive federalism) that had enabled elites to make deals on matters where there was no consensus, with very little input from average Canadians." See his "Political Institutions and Canada's Constitutional Crisis," in Weaver, ed., *op. cit.* p. 71.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

and affordable (according to the explicit provisions of the British North America Act of 1867). The first option was obviously unacceptable to Quebec, the second was not acceptable to the overwhelming majority of Canadians, including most Quebeckers, while the third was anathema to the Canadian political elites, since it would have entailed considerable loss of power and prestige — not to mention the impossibility to implement Trudeau's cultural agenda of making Canada bilingual and integrating Quebec with the rest of the country.

While there has been endless discussion concerning decentralizing alternatives such as "sovereignty-association" — Quebec nationalists' proposal to reconfigure Canada as a confederation of two rather than ten units — this discussion has always taken place primarily in New Class terms, i.e., in terms of "distinct society" status, pork-barrel politics, etc., rather than as a particular version of a loose confederation of equally autonomous provinces.[87] The conventional way of framing the constitutional issue in terms of whether Quebec is to be regarded as one of two equal societies — as Quebec separatists often demand — or as merely one of the ten Canadian provinces — as most of the rest of Canada expects — is misleading in that it leaves the impression that all Quebeckers are opportunists seeking privileges not available to other provinces[88] (although it is certainly true of a substantial sector of Quebec's new class, committed as it is to secession at all costs, in order to guarantee its privileged position within an eventually independent Quebec). The fact of the matter is that, in the writings of serious theoreticians of Quebec separatism such as Léon Dion[89] or formal documents such as the Liberal Party's Allaire Report (drafted after the rejection of misguided constitutional compromises such as the Meech Lake and the Charlottetown

---

87. Watts objects to it on the ground that this kind of devolution may hinder "economic and monetary union to the detriment of all the constituent units"; or that it is not in line with predominant world tends such as, e.g., European Unification. See Ronald Watts, "Canada's Constitutional Options," reprinted as "Appendix C" in Lemco, *op. cit.*, p. 189. Clearly, in the first case Watts is confusing Canada, which already has a common currency and a high level of economic integration, with Europe, which does not (and therefore has to confront the problem) while assuming that Europe is on the way of centralizing pretty much along current Canadian lines — something that only half a decade after he wrote this (1991) has become highly unlikely.

88. This has been Trudeau's position, which led him to violently oppose recent constitutional reforms. See the interview "Trudeau Speaks Out," in *Maclean's* (September 28, 1992), pp. 22-26.

89. For a summary of Léon Dion's role in Quebec, see Simpson, "Léon Dion: The Twilight Zone of Canadian Federalism," in *Faultlines*, *op. cit.*, pp. 312-352.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Accords),[90] the vindication of Quebec's particularity always translates essentially into a devolution of the central government and the transformation of Canada back into a genuine confederation.[91]

The political elite's way of posing the problem as one of Quebec's sovereignty vs. existing federalism — *tertium non datur* — is disingenuous and short-sighted. It is disingenuous in that it dogmatically rules out and ridicules as unfeasible the objective possibilities of transforming Canada back into a much looser confederation, and short-sighted in that it uncritically assumes that the existing federal Behemoth in Ottawa can continue to function the way it has for at least the past quarter century, notwithstanding the huge national debt and the massive budget deficits. According to official Department of Finance Canada documents:[92] "By 1984-85, the [Canadian national] debt was $206 billion and growing at an annual rate of almost 25 percent. The deficit had reached more than $38 billion. It had two parts: $22 billion in interest to the debt; plus $16 billion more in spending programmes and services than was collected in revenues. . . . At that time, the government was handing out $1.33 worth of

90. For a summary of the Allaire Report, see Lemco, *op. cit.*, pp. 32-41. As Russell put it, "what Allaire proposed was a massive withdrawal of the federal government's involvement in most areas of concurrent jurisdiction and all areas of exclusive provincial jurisdiction — especially in its power to spend public money." Russell. *op. cit.*, p. 160. The Allaire proposals were also summarily rejected by the Reform Party — probably more out of sheer anti-Quebec resentment than out of principles — as privileging Quebec over the the rest of the Canadian provinces and as calling for an excessive devolution of federal prerogatives. See Stark, *op. cit.*, pp. 145ff.

91. Weaver also sees the option of "generalizing to all the provinces provisions sought by Quebec" as the possible solution to the constitutional crisis. See Weaver, *op. cit.*, p. 73ff. While the Reform Party presents itself as the party of English Canada — hence not altogether sympathetic to Quebec's cultural concerns — in principle its positions are reconcilable with those of Quebec's nationalists. The Reform Party's regionalism, which focuses primarily on regional interests against the federal government without, however, challenging centralization of a variety of cultural and socio-economic functions, could readily accommodate Quebec's calls for the radical devolution of federal powers by further radicalizing its regionalism. There is nothing inherent in the Reform Party's populist tradition to eventually prevent a shift of as many federal prerogatives as possible to the regions, although the party's "New Federalism" actually calls for increased federal intervention in education and job training and, at any rate, Manning himself is presently opposed to such a strategy for purely political reasons. See Flanagan, *op. cit.*, pp. 188-189. In addition to all this, the conservative wing within the Reform Party, led by Stephen Harper, explicitly seeks to patronize the New Class in order to recruit its members (*ibid.*, p. 60ff). Yet the Reform Party has already dropped its earlier anti-Quebec call for a "common Canadian Culture" and, at any rate, is increasingly concerned with primarily economic issues. See Stark, *op. cit.*, p.. 149.

92. Department of Finance Canada, *The Deficit and the Public Debt* (February 1991), pp. 1-2. As cited in McDonald, *op. cit.*, p. 108.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

services for every dollar Canadians paid in federal taxes." This is not unrelated to the fact that, e.g., between 1965 and 1975, the federal public service had doubled and the federal government had become the country's major economic entity.[93]

From such a broad perspective, it is immediately obvious that Trudeau not only came perilously close to bankrupting Canada — a country which as recently as 1969 had a balanced federal budget and a rather manageable national debt of $20 billion[94] — but triggered the Quebec quandary as one of many unfortunate epiphenomena. Far from being merely another garden variety expression of provincialism, ethnocentrism or cultural feelings of inferiority, as anglophone New Class ideologues imply, Quebec separatism came about as a healthy reaction to the homogenization threatened by Trudeau's transformation of Canada from a relatively loose confederation based on English common law (readily accommodating Quebec's distinctiveness) into a hypercentralized managerial state. While an autonomous and sovereign Quebec within the Canadian federation *as currently structured* may well be as impossible as anglophone critics claim, so are the prospects of retaining unchanged today's "really existing" Canadian federalism without bankrupting the country and precipitating even more social disintegration than has been the case already. Far from reducing to a mere choice between Quebec sovereignty or existing federalism, real options have to do not so much with *whether* but *how* and *when* to reconfigure the central bureaucracy, decentralize as many socio-economic functions as possible, and restore a modicum of fiscal sanity in Ottawa (a process already well under way, even though the present Chrétien government is the direct heir of the Trudeau regime). The solution to the Quebec dilemma has very little to do with a more effective Canadianization of Quebecers through economic globalization, the culture industry and more intense interaction with their English-speaking neighbors (as some anglophone intellectuals speculate), but is primarily a function of how fast Ottawa can divest itself of most of the functions that can be best carried out by provincial or local governments, and repeal, or at least substantially modify, Part III of 1982 Constitution effectively mandating national economic (and, *ipso facto*, cultural) homogenization of all Canada.

Despite the immediate geographical illusion derived from glancing at the immensity of Canada's territory, demographically the country is

93. See Nicole Morgan, *Implosion* (Montreal: Institute for Research and Public Policy, 1986).

94. McDonald, *op. cit.*, p. 48.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

practically a straight ribbon thousands of miles long and only a few miles wide. Most of its population lives almost within commuting distance of the US and regional differences are substantial. Given these conditions, it makes little sense to pretend, as Trudeau repeatedly does in his *Memoirs*, that Canada is or should be a sovereign nation based on the sovereignty of its people. Such a deceptively democratic formulation is actually a plea for new class domination, since the Canadian people, dispersed over thousands of miles, can coalesce as a people only through the external mediation of a central intellectual elite entrenched in Toronto, Montreal and Vancouver,[95] while losing whatever real identity and power they may have previously derived from their particular communities and localities.

***Toward a Reconfiguration of the Canadian Political Landscape?***

Not surprisingly, dissatisfaction with the existing state of affairs has not remained limited to Quebec separatists, but has erupted in the Western provinces with the formation of the Reform Party. Still politically irrelevant as recently as 1988, when it managed to gain only 2% of the votes, in the October 1993 elections its support grew to 18.7% and suddenly became a major factor in Canadian politics.[96] Under conditions strikingly similar to those which resulted in the rise of the Northern League in Italy to the level of a major political party (collapse of traditional parties, widespread dissatisfaction with politics-as-usual, etc.), the Reform Party has become a leading voice for anglophone Canada in a context where the other major parties seemed inextricably mired in dead-end constitutional squabbles over the status of Quebec, bilingualism, multiculturalism, etc. Clearly a direct reaction to the centralizing involution precipitated by Trudeau's reforms carried out under the Liberal Party banner and continued by subsequent conservative administrations of Brian Mulroney and Kim Campbell, the Reform Party presented itself as a break with the past and a concrete alternative to the present political morass. Unlike Bossi's League, however, which began as a regional movement and never succeeded in growing into a national party, Manning sought to establish the Reform Party at the federal level from the very beginning.[97] Aware of the historical failures of Western Canada's earlier populist efforts, he made sure not to repeat the same mistakes.

---

95. This is precisely the kind of argument social-democrats such as S. D. Clark developed already in the 1950s *in defense* of federal government intervention, on the assumption that Canada was already a nation-state. See Clark, *op. cit.*, p. 232.

96. See Flanegan, *op. cit.*, pp. 1ff.

97. *Ibid.*, Ch. 5, "Going National," pp. 73-98.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

The son of a famous former premier of Alberta, Preston Manning ascribes to a populism which is part and parcel of a long tradition of Western regional particularism and, unfortunately, the heir of many of its shortcomings.[98] Often pegged as a religious fanatic or a run-of-the-mill extreme right-winger by unimaginative critics,[99] Manning's politics do not readily fit standard typologies. Discarding the Left-Right paradigm as obsolete and unable to explain current political realities, Manning has attempted to reintroduce what he regards as a modicum of common sense in Canadian politics. Thus, the Reform Party has been a violent critic of bilingualism, multiculturalism and other "politically correct" policies deployed during the past three decades. Along with Quebec's separatists, with whom he otherwise seems to want to share little else, the Reform Party is willing to entertain the possibility that Canada may no longer be a viable political unit and that it may be time to consider other concrete alternatives. In fact, the party's very existence and sudden success is due primarily to the widespread dissatisfaction — especially in the Western provinces — with the recent transformations Canada has undergone and the growing perception that not only the federal government has already gone too far out of its way to accommodate Quebec's demands, but that there is really no mutually acceptable way to meet them.

The Reform Party seems blissfully unaware of the history of populism, especially American populism, its earlier failures, its absorption and instrumentalization by the Progressive movement, and its ultimate degeneration into part of the left-wing of the Democratic Party.[100] Thus it seems

98. Chrétien reflects most Canadians' general perception of Manning when he describes him as "the latest version of the populist Social Credit movement in which Preston Manning's father had been a player." See Jean Chrétien, *Straight from the Heart* (Toronto: Key Porter, 1994), p. 237. Chrétien fails to add, however, that Manning has learned a lot from past mistakes. See Preston Manning, *The New Canada* (Toronto: McMillan, 1992). The rise of the Reform Party was already broadly prefigured in his father's *de facto* political testament — a book the young Preston Manning helped to draft. See Ernest Manning, *Political Realignment: A Challenge to Thoughtful Canadians* (Toronto: McClalland and Stewart, 1967). This work prefigured a reconfiguration of the Canadian political landscape by forming a new moderate conservative party consisting of both the Progressive Conservative Party and Social Credit, plus the right wing of the Liberal Party. This party would then confront a similarly regrouped Left in a new bipolar political framework.

99. See Sidney Sharpe and Don Braid, *Storming Babylon: Preston Manning and the Rise of the Reform Party* (Toronto: Key Porter, 1992).

100. This is immediately obvious in the work of leading Reform Party intellectuals whose acquaintance with populism seems limited to superficial and obsolete accounts such as Margaret Conovan's *Populism* (New York: Harcourt, Brace, Jovanovich, 1981). See Thomas Flanagan and Martha Lee, "The Roots of Reform," paper presented at the Canadian Political Science Association meetings in Charlottetown, P.E.I. (June 1992).

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

bent on retracing American populism's dismal history. Despite his frequent appeals to "the common sense of the common people" Manning retains a weakness for technocracy — probably a residue from his earlier experiences as a business consultant. Thus he sees the translation of this "common sense of the common people" into an effective political program as the task of a technocratic elite with the required knowledge and expertise. This is precisely what has exasperated some of his former associates, who have trouble reconciling the populist rhetoric with the party's hypercentralized structure and, as a result, cannot understand the various policy vacillation this predicament necessitates. Furthermore, in refusing to position the Reform Party within any particular sector of the political spectrum, Manning tends to depoliticize it and reduce its program to mere proceduralism — liberalism's traditional strategy. It is thus no accident that, for Manning, populism is a methodology applicable everywhere, but likely to succeed only under particular crisis conditions.[101]

To the extent that politics is only possible in relation to a clearly identifiable adversary, the Reform Party's effort to be all-inclusive and appeal to all sectors of Canadian society (with the possible exception of Quebec nationalists) deprives it of a clear-cut political theodicy and makes it vulnerable, as already happened to American populism a century ago, to instrumentalization by new elites with a clearer political vision. Committed to the primacy of local governance, regionalism, direct democracy and many other standard populist tenets, Manning also happens to share populism's lack of a serious critique of bureaucratic centralism, a firm commitment to subsidiarity, an understanding of new modes of domination predicated on knowledge and expertise, and an unwillingness to develop a distinct political philosophy.

Most of Manning's closest current or former associates, such as Flanagan and Stephen Harper, or even opponents such as Chrétien, see the future of the Reform Party in standard conservative politics, i.e., as a function of its ability to displace the conservatives on the Right of the Canadian political spectrum. Although, to a great extent this is what has already begun to happen, such readings are shortsighted and fail to grasp what is truly new in today's Canadian political realities. What needs to be reconfigured in Canada is not so much the political landscape but the

101. Not inappropriately, Flanagan has titled his account of the rise of the Reform Party, *Waiting for the Wave*. As Dobbin also points out, it is all a matter of timing, i.e., to wait for the opportune moment when there is general political disorientation and populism can sweep into power.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

confederation Trudeau managed to turn into a nation. The contradiction between Manning's populist soul and his New Class mind is not likely to be resolved by drafting the right kind of party platform or statement of principles. Rather, it will depend on whether the Reform Party's regionalism an commitment to direct democracy can be translated into a new confederal project adequate to 21st century political realities.

While for the wrong reasons, Gwyn may have been on the mark in describing Canada as "the first postmodern nation."[102] In having undertaken to build a nation later than most other countries by deploying one of the world's most ambitious projects of modernization, centralization and rationalization, Canada forced the dialectic of modernity to its logical conclusion earlier than all other countries (with the possible exception of the USSR and its satellite countries). Thus, it is postmodern to the extent that it has exhausted its modernist options and is now being forced to rethink radically its political configuration and make the kind of difficult choices most other countries still can afford the luxury of postponing.

Within such a context, calls for secession take on new meaning. They are no longer preliminary steps in the path to eventual national autonomy — a meaningless and counterproductive status in a world where economic success is increasingly a function of effective integration into larger political arrangements such as NAFTA or the EC — but desperate attempts to bring about reforms in homogenizing, over-centralized and increasingly inefficient managerial states. In this sense, Quebec separatists, Western Canadian populists and other groups entertaining the possibility of secession are not new and improved versions of the old "founding fathers" before they actually managed to establish the new country, but the only true reformers in a country still mired in all the contradictions of a modernity and thus incapable of taking the radical steps needed to resolve its political quandaries. In 1962 Trudeau praised Canadian federalism as "a formidable experience which could become an inspirational device to shape tomorrow's civilization."[103] He may well have been right *malgré lui*, if Canada ever manages to deploy what Gwyn derisively calls "Canada Two"[104] — a highly decentralized confederal arrangement predicated on subsidiarity, cultural autonomy and local self-government.

---

102. Gwyn, *op. cit.*, pp. 1ff.
103. Trudeau, "La Nouvelle Trahison des Clercs," *op. cit.*, p. 16.
104. Gwyn, *op. cit.*, p. 123.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

# *In Defense Of Moral Realism*

Anthony M. Matteo

Near the beginning of the *Nicomachean Ethics,* Aristotle claims that "our discussion will be adequate if its degree of clarity reflects the subject matter."[1] Those who seek to give a proper "theoretical" account of some enterprise, but who neglect this wise Aristotelian counsel, do so at their own peril. Aristotle is urging that sound theory should reflect and elucidate *actual* practice. When philosophical speculation loses touch with such practice, it tends to caricature what it ought to clarify. For example, Steven Weinberg points out the disparity that often exists between the view of science one finds expounded by some contemporary "philosophers of science" and that presupposed by those really engaged in scientific research: "From time to time I have tried to read current work on the philosophy of science. Some of it I found to be written in a jargon so impenetrable that I can only think that it aimed at impressing those who confound obscurity with profundity. . . . [O]nly rarely did it seem to have anything to do with science as I knew it."[2]

Weinberg is alluding to the fact that practicing scientists are implicitly committed to scientific realism. They assume that they are struggling to unlock the secrets of nature, not merely telling a tale (as anti-realist philosophers of science would have it) that is relative to some conceptual scheme dominated by culture, sex, social class, or race. Like Weinberg, they are baffled by anti-realist depictions of science and simply find such ungrounded philosophizing irrelevant to their work. As Michelle Marsonnet rightly asks: "[W]hat kind of usefulness may ever have a philosophy

1. 1094b
2. Steven Weinberg, *Dreams of a Final Theory* (New York: Pantheon Books, 1992) pp. 167-168.



LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

of science which looks interesting to philosophers of language and logicians, but not to scientists themselves?"[3] One can, find this same dissonance between philosophical theory and actual practice in ethics.

* * *

The two outstanding attempts in this century to reconstruct ethics in antirealist fashion are emotivism and moral (cultural) relativism, which claim that ethical statements have their ultimate ground in individual emotional responses (emotivism) or the collective predilections of a particular culture (relativism). In everyday lives, however, most people operate with implicit "realist" convictions. They believe they are engaged in an objective enterprise when they seek to gauge the observable positive and negative impact of various forms of behavior. Even those who deny moral objectivity at the theoretical level, more often than not believe this intellectual posture by their own moral practice. Though they typically employ antirealist theories to undermine the authority of positions with which they disagree, they defend congenial moral claims with a tenacity that far exceeds what such theories warrant: "In the most extreme form of . . . relativism, other cultures not only cannot be judged but cannot even be compared or fully comprehended, an odd and often hypocritical view for those of its proponents who cannot bring themselves to criticize witchcraft or animal torture in other societies but who do not hesitate to denounce the Ku Klux Klan (surely, a 'unique culture') in their own."[4]

How then does one explain the origin of antirealist moral theories and their appeal? Part of the answer lies in seeing how faulty epistemological models can so mesmerize people that they loose their moorings in common sense and common human experience. When this occurs, it is little wonder that they produce theoretical accounts of moral decisions in which there are hardly any moral actors. As is well known, emotivist theory is a corollary of the verification principle — once the epistemological bedrock of logical positivism. Moral statements, such as "torture is evil," are not the deductive result of a logical or mathematical operation, nor do they flow from empirical investigations. Hence, A. J. Ayer argued that such value statements are not about any discernible "facts" and must, as a result, be recast as "pure expressions of feeling" with "no objective validity whatsoever."[5]

---

3. Michelle Marsonnet, "Is Philosophy of Language Really Important For The Foundation of Scientific Realism?" in *American Philosophical Quarterly* 30/4 (October 1993) 289.
4. James O. Wilson, *The Moral Sense* (New York: Free Press, 1993) p. 233.
5. A. J. Ayer, *Language, Truth and Logic* (New York: Dover, 1946) pp. 103, 108.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Thanks to the sustained criticism of the narrowness of this "positivist" approach to knowledge, the theoretical allure of the emotivist account of ethics has dwindled. Yet, at the practical level, one can still see its influence and the subjectivist approach to moral decision-making in, e.g., the primary or secondary school materials aimed at instructing students in the art of "values clarification."

Hilary Putnam has been particularly vocal in stressing the need for a broader concept of rationality than positivist epistemology allows, one able to make sense of complex theoretical and practical judgments. "[T]he idea that science (in the sense of exact science) exhausts rationality is seen to be a self-stultifying error. The very activity of arguing about the nature of rationality presupposes a conception of rationality wider than that of laboratory testability. . . . [A]ny conception of rationality broad enough to embrace philosophy — not to mention linguistics, mentalistic psychology, history, clinical psychology, and so on — must embrace much that is vague, ill-defined, no more capable of being 'scientized' than was the knowledge of our forefathers. The horror of what cannot be 'methodized' is nothing but method fetishism; it is time we got over it."[6]

Once this fetish has been recognized and put aside, there is no need to fear that reasoned judgments in ethics are *mutatis mutandis* any less rationally respectable than scientific pronouncements. In a manner reminiscent of Aristotle, Putnam is stressing the multiform nature of the struggle to gain insight into what is true and good. Whether in science or ethics, guidance comes from human resourcefulness and creativity whose manifestations are far too rich and varied to be captured by a cramped dogma of rationality or meaning. In either sphere, progress is made by a patient and reflective appropriation of the data. Hence, when not filtered through the distorting prism of a flawed epistemological model, moral experience teaches that "facts" and "values" are not utterly distinct: well supported ethical norms must have a *factual* basis in what does and does not produce human well being (*eudaimonia*). Proper ethical judgments are not visceral expressions of emotion; rather, they ought to be the result of a reasoning process whose aim is to lead, emotions and all, to desire what is genuinely good and to behave accordingly.

To support objectivity in ethics, it is not necessary to appeal to Platonic Forms of goodness or justice. Opponents of moral realism make it appear that the position stands or falls on the existence or nonexistence of

6. Hilary Putnam, *Realism with a Human Face* (Cambridge, Mass.: Harvard University Press, 1990) 140.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

such shadowy, transcendent entities. But, as Thomas Nagel points out: "The view that values are real is not the view that they are real occult entities or properties, but that they are real values; that our claims about value and about what people have reason to do may be true or false independently of our beliefs and inclinations." [7] In actual practice, then, to say that morality is objective is to claim that some act (say, caring for children) is "good" *not* because of one's personal desires, but because it can be shown by compelling rational argument to be what is right and proper. To the extent that emotivism and the moral subjectivism it promotes reverses this relationship, making goodness a function of desire, it distorts the lived experience of serious moral agents.

* * *

The ethical theory of moral or cultural relativism is inextricably linked to the possibility of alternative conceptual schemes. In itself, moral disagreement among past and present cultures would not mean that moral claims are not objective in that their sole foundation rests on shifting cultural perspectives. In ethics, disagreement about some fact does not imply that there is no fact to be found. It is only when such disagreement is filtered through the epistemological doctrine of alternative conceptual schemes that moral relativism takes on an aura of plausibility. Only if people are, in fact, the products of such utterly disparate forms of cultural determination and can point to nothing beyond the specific standards of truth and value within a particular cultural framework would it be justified to conclude that cultural moral diversity entails a relativist moral stance.

Donald Davidson has pointed out the fundamental incoherence that infects the notion of alternative conceptual schemes: given the necessary conditions for any communication whatsoever between intelligent creatures, a *truly* alternative conceptual scheme would be utterly unintelligible.[8] Any specific disagreement with the beliefs and practices of other cultures is only possible against the tacit background of rather widespread agreement: "[T]he attempt to give a solid meaning to the idea of conceptual relativism, and hence to the idea of a conceptual scheme, fares no better when based on partial failure of translation than when based on total failure. Given the underlying methodology of interpretation, we could not

7. Thomas Nagel, *The View From Nowhere* (New York: Oxford University Press, 1986) 144.

8. Donald Davidson, *Inquiries into Truth and Interpretation* (New York: Oxford University Press, 1984) pp. 183-98.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

be in a position to judge that others had concepts or beliefs radically different from our own."[9]

Ordinary experience indicates that human beings are far more similar than different, not only in terms of language, the basic medium of thought and communication, but also in terms of their ethical reckonings. Robert Edgerton writes that those propounding such a *tabula rasa* view of humanity "have the formidable task of explaining how it came to pass that early hominids were able to evolve into true humans solely by means of culture without becoming different creatures — *Homo Javanese, Homo Hopi,* or *Homo Tasmanian.* If it is culture that shaped our nature, why are we one species with differing cultures instead of different beings altogether."[10]

The ethical commonality that human beings share stems from the fact that the very existence and continued flourishing of communities, regardless of local eccentricities, require a fundamental set of duties and prohibitions controlling the way its members deal with one another in relation to such vital matters as the protection of human life, the distribution of property, the governing of sexual behavior, the rearing of children, and the administration of justice. When our gaze is not skewed by unexamined relativist assumptions, there is a great deal of substantive accord among past and present cultures about the specifics of those duties and prohibitions: e.g., caring for one's children, being loyal to friends, rewarding the virtuous and punishing malefactors, etc. Furthermore, those communities that inculcate such duties and prohibitions tend to flourish, while those that fail to do so tend to experience social disintegration and even collapse.

Such considerations support the traditional notion that there is a common human nature beneath the diversity of communities. In the words of Thomas Aquinas: "Human reason is not, of itself, the rule of things; but the principles impressed on it by nature are general rules and measures of all things relating to human conduct."[11] Or, as Wilson proclaims: "Moral and political philosophy must begin with a statement about human nature. We may disagree about what is natural, but we cannot escape the fact that we have a nature — that is, a set of traits and predispositions that set limits to what we may do and suggest guides to what we must do."[12]

If so, then it is necessary to employ all the available tools to discover those forms of human practice most in line with the dictates of human

9. *Ibid.*, p. 197.
10. Robert Edgerton, *Sick Societies* (New York: Free Press, 1992) p. 62.
11. *Summa Theologica I, II, Q. 91, a.* 3.
12. James Q. Wilson, *The Moral Sense* (New York: Free Press, 1993) 235.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

nature which will promote human flourishing. To the extent that relativism persists in denying the existence of such a common nature, and insists that we are largely or entirely the products of divergent and incommensurable forms of cultural determination, it hinders such a vital exploration. As Edgerton insists: "If we are to understand the processes of cultural adoption and maladaptation, relativism must be replaced by a form of evaluative analysis. . . . We would never countenance a relativistic prohibition against attempting to evaluate the conditions of life in our inner cities. We know that drug use, gang violence, child abuse, deteriorated housing, poor prenatal health care, rage, and hopelessness are not good for the impoverished and embattled who live there, and these people know it far better than we do. Why then should the principle of cultural relativism prevent us from evaluating the feuding, wife-beating, inadequate diets, and inefficient medical knowledge that exist in many small traditional societies?"[13] But, if human nature explains the large scale ethical similarities among communities, why are there ethical differences? Can those committed to moral realism provide a more plausible account of such differences than relativists?

One could follow Aquinas and argue that both individuals and communities can be blinded to their rational moral duties and become morally corrupted by passion, emotion, superstition or some other form of irrationality.[14] There is a burgeoning child prostitution business in parts of Southeast Asia. It is reported that young boys and girls are sold to proprietors in the sex industry by their own parents, sometimes for no more than the price of a television set. "[C]ountries like Thailand, eager to attract tourism, have become tolerant of brash sex clubs for homosexuals, heterosexuals, pedophiles and others in search of sex that is expensive or outright dangerous to pursue at home."[15]

Can there be any doubt that such a practice is *objectively* immoral — that those who deviate from the natural, human duty to cherish and care for children in the pursuit of mere sexual gratification or material gain rightly deserve moral censure? The objective basis for condemning child prostitution is obvious. Faced with such a harmful social practice, what is one to make of the following claim by Richard Rorty? "What counts as a decent human being is relative to historical circumstances, a matter of transient consensus about what attitudes are normal and what practices are

13. *Sick Societies*, *op. cit.*, p. 207.
14. *Summa Theologica* I, II,Q. 93, a. 6 & Q. 94, a. 6.
15. Marlise Simons, *The New York Times Magazine (January 16,* 1994), p. 33.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

just and unjust."[16] Such a relativist pronouncement may retain a patina of plausibility in academia, but seems ludicrously cavalier in view of the undeserved pain being inflicted on innocent children for pleasure and profit.

A second common source of moral disagreement can be located in the struggle between particularized as opposed to universal concepts of humanity. Communities have different definitions of who is fully human and worthy of moral and legal protection. Is the crucial factor membership in a particular clan, tribe, ethnic group, or nation? Or do all human beings qualify by the simple fact that they are human? Consider, in this context, the numerous tribal and ethnic conflicts in the world today. It is sobering to realize that those directly responsible for the carnage, and those who indirectly support their efforts, are not moral aliens. They love their families, are loyal to their friends, and can be compassionate to those of their *own* circle. They differ from more peaceful human beings in that they assume that members of tribes or ethnic groups which are their historical enemies are such a lesser breed of humanity that they ought not be accorded equal treatment and protection but are fit objects of pillage, rape, and slaughter.

Those who decry tribalist blood-letting do so, if only implicitly, from a universalist perspective transcending parochial concepts of human worth and dignity. Those who propound this perspective need not be committed to some utopian vision of the future in which all ethnic and cultural differences fade away in the wake of a homogenized, global civilization. Such a prospect seems unreal in view of the ineradicable human propensity to form particular and exclusive communities based on cultural and ethnic identity as the fundamental basis of the social order. But it may not be unrealistic to hope that this propensity can be modified to the extent that those who fall outside ones own group are no longer demonized and treated as the subhuman "other." At any rate, in light of recent savagery, are there any doubts that it is morally imperative to struggle to effect this change? It is hard to see how on relativist rather than realist grounds we could call for such an alteration in the way communities have viewed the "outsider."

Finally, moral differences against the background of a common human nature can be explained by pointing to the ways in which communities can divergently evaluate the data as to the actual harm or benefit of a particular activity. It would seem that some of the burning moral controversies (such

16. Richard Rorty, *Contingency, Irony, and Solidarity* (Cambridge, Cambridge University Press, 1989) p. 189.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

as debates over what constitutes the proper use of the environment or the brave new world of genetic engineering) turn on deep divisions over assessments of actual harm or benefit. As a result, there is no clear and overwhelming moral agreement on these issues. But such honest disagreement no more warrants relativism in ethics than it does in science. In both practical and theoretical matters, disputes are resolved by critically grappling with the facts, in search of ever more adequate levels of understanding. In this context, it is important to recall the distinction between "justification" for and the "truth" of a belief. A particular individual or community may be justified in holding a certain belief, but this does not entail that such a belief is thereby true. Earlier generations were no doubt justified in believing that the earth was flat and located at the center of the solar system, but they were nonetheless mistaken. Given what is known today, it is impossible to hold such beliefs.

If this distinction is applied to ethical analysis, it would mean that the rightness or wrongness of a certain practice cannot be reduced to what a particular individual or community is justified in believing about it, because justified ethical beliefs can turn out to be mistaken in the light of new evidence. Thus, the *justification* of a belief is relative to historical and social context, but not its *truth*. Of course, in moral matters, consensus may be more difficult to attain because of the tendency toward self-justification and self-delusion. But this psychological difficulty does not imply logical impossibility. Instead of engaging in such unwarranted leaps, in moral argument the commitment to truth must be all the more resolute to fend off distortions by competing psychological tendencies.

A genuine, rather than feigned, commitment to a consistent relativism would be lethal to this process. It dogmatically declares disagreement ultimate, since it denies any common ground between disputing communities that could serve as a basis for genuine dialogue and possible resolution of conflicts. Once a community becomes aware that any of its beliefs or practices are no longer supported by the best available evidence, it becomes the community's duty to move beyond such limitations and rework its moral codes in the light of new evidence. Such a dynamic process is the essence of intellectual and moral integrity.

* * *

Must judgments on good and evil be grounded on some metaphysical foundation, as advocated by Aristotle and Aquinas, or will a pragmatic or utilitarian approach be sufficient? In a review of Stephen L. Carter's

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

book, *Integrity,* Richard Brookhiser complains: "The problem is that integrity, as he himself [Carter] admits, is about means, not goals. It 'is not by itself a guide. It is a guide to being guided.' Guidance must come from a philosophy, or some other view of the world. Mr. Carter, a devout Episcopalian, has one. If his is not appropriate to a secular nation, then a philosophy of natural law might be. But Mr. Carter is reluctant to impose any. So his discussion glides aimlessly; when he throws in a judgment, it comes as a shock, as if he had run over a speed bump. In the midst of a chapter on divorce, Mr. Carter announces that 'the responsibility of parents to do what is best for their children is a moral absolute.' Maybe so, but our absolutes should have a stronger foundation than Mr. Carter's say so."[17]

But Jeffrey Stout would no doubt find Carter's approach more congenial in defending the objectivity of moral assertions while dismissing traditional concerns, such as Brookhiser's, about metaphysical underpinnings. "Our fellow citizens are not nervously awaiting vindications of philosophical pictures before proceeding to hold each other valuable. A modest pragmatism . . . would encourage us to view most of our first-order moral beliefs as more certain, and most of our dispositions as more worthy of confidence, than any of the pictures philosophers have introduced in hope of explaining and grounding them."[18] No doubt, Stout is correct about the *insouciance* exhibited by average individuals in relation to metaphysical warrant as they proceed with their daily affairs. But he ignores the fact that community members manifest little anxiety about philosophical vindication of their run-of-the-mill ethical practices precisely because they are rooted in a metaphysical foundation so deeply entrenched and widely accepted in their traditions as to go unquestioned. This is a moral mindset equivalent to what Thomas Kuhn dubbed a period of "normal science": a span of time in which a reigning paradigm is so secure that first-order practical business can be pursued without raising second-order queries about theoretical groundings. However, lack of explicit concern during such periods about theoretical foundations does not mean, as Stout claims, that they are dispensable in justifying moral practice. Rather, even during placid times, when moral consensus reigns, they form the tacit supporting background of everyday life. It is only when challenged that explicit reference to their underlying philosophical framework is generally necessary.

Why does Stout miss this point? Once again, adherence to an epistemological model unrelated to actual moral practice seems to be at work.

17. *The New York Times Book Review,* (March 3, 1996) p. 12.
18. Jeffrey Stout, *Ethics After Babel* (Boston: Beacon Press, 1988) p. 253.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Stout's non-foundationalist epistemology leads him to misconstrue the inevitable connection between moral practice and its underlying metaphysical framework. Here, "non-foundationalist" is meant to designate an open-ended epistemological stance that emphasizes the many modes of human knowing. In this sense, it represents a 20th century appropriation of the 18th and 19th century Romantic protest against the parochiality of Enlightenment canons of rationality. It has aroused erstwhile analytic philosophers such as Hilary Putnam and Richard Rorty from their dogmatic slumber such that they now complain about the reductionist caricature of cognition at the heart of the logical positivist program. Curiously, however, their writings still betray a marked disdain for metaphysical speculation, portraying it as an anachronistic attempt to seek more than a pragmatic warrant for beliefs and practices. The reason is that they conceive metaphysical thinking solely in terms of the Platonic doctrine of direct intuitive insight into independently existing transcendent realities. The following comment by Putnam is illustrative: "How can we pick out any *one* correspondence between our words (or thoughts) and the supposed mind-independent things if we have no direct access to the mind independent things? . . . In short, if the mind does not have the ability to grasp external things or forms directly, then no mental act can give it the ability to single out a correspondence (or anything else external for that matter)."[19]

But, surely, to abandon the epistemological doctrine that people possess some intuitive grasp of reality unmediated by sensual and conceptual capacities is not to sound the death knell for metaphysics as such. In fact, the deleterious effects of this doctrine on the theory of knowledge can only be overcome by outgrowing the naive assumption that cognition consists in an intuitive "look" at what is out there to be known. Rather, cognition is a process by which sense experience is transformed into "knowledge" under the guidance of first principles. In other words, knowledge of the "real" world is a result of a patient, persistent, intelligent, and rational appropriation of what is sensibly given.[20]

At any rate, thinkers such as Stout, Putnam and Rorty are fervent advocates of universal benevolence, pluralism, freedoms, etc. One would think that such staunch advocacy would be based on an implicit metaphysical picture of human nature that remains suppressed in their writings. If not,

---

19. Hilary Putnam, *Realism and Reason* (New York: Cambridge University Press, 1987) p. 207.

20. For a more extensive discussion of this see my book, *Quest for the Absolute* (DeKalb, Ill: Northern Illinois University Press, 1992) pp. 142-43.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

their ethical claims, despite their passionate rhetorical flares, would be little more than *ad hoc* pronouncements — enunciations of their own predilections, not universally applicable mandates. Torture, rape, and murder are condemned because these misdeeds violate the dignity of human beings. Second order metaphysical speculations about the source of that dignity are not idle intellectual meandering unrelated to first order moral responses; rather, they are an attempt to show that moral judgments are not arbitrary fiats but reasoned judgments rooted in the very nature of things.

Pragmatists write as if utilitarian analysis — sorting out the prospective positive and negative consequences of behavior in order to maximize pleasure or happiness for the greatest number — is all that is necessary for ethical decision-making. In practice, however, such a sorting procedure always presupposes some implicit benchmark distinguishing worthy from unworthy pleasures, genuine from illusory happiness, that in turn is rooted in some metaphysical framework. Without such a metaphysical substratum, "[i]t follows that the notion of the greatest happiness of the greatest number is a notion without any clear content at all. It is indeed a pseudo-concept available for a variety of ideological uses, but no more than that."[21]

Nietzsche went to the heart of the matter on this issue. If all metaphysical support for moral beliefs and practices is jettisoned, then intellectual honesty demands a transvaluation of values with only the will-to-power left as a justification for moral preferences. Pragmatists such as Stout seek to circumvent this predicament by constructing their curious pragmatic ethical half-way house. But they cannot have it both ways: they cannot consistently defend the objectivity of moral judgments against subjectivist accounts while continuing to indulge a nonfoundationalist animus against traditional metaphysics.

* * *

One final word is necessary on the issue of developing an adequate epistemology. Such must combine both the external/detached and the internal/participatory perspectives of which human beings are capable. MacIntyre makes the following comment about modern epistemological tendencies: "On this modern view, ethics and politics are peripheral modes of inquiry, dependent in key part on what is independently established by epistemology and by the natural sciences. . . . But in ancient and medieval thought, ethics and politics afford light to the other disciplines

21. Alisdair MacIntyre, *After Virtue* 2nd ed. (Notre Dame: University of Notre Dame Press, 1984) 64.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

as much as vice versa. Hence from this point of view, which I share, it is not the case that *first* I must decide whether some theory of human nature or cosmology is true and only *secondly* pass a verdict upon an account of the virtues which is based upon it. Rather, if we find compelling reasons for accepting a particular view of the virtues and the human *telos,* that in itself will place constraints on what kind of theory of human nature and what kind of cosmology are rationally acceptable."[22]

In the 17th century, modern physics began with the assumption, enunciated in the ancient world by the Greek atomists, that the universe consists solely of simple material elements whose interaction is sufficient to account for everything. This assumption was rooted in the belief that only the detached approach to reality — one that effectively brackets what can be learned from reflection on the internal experience of the "self" in relation to the universe — could lead to truth. When this model of explanation became the dominant framework in which to address questions of human nature, what emerged was a "scientific" caricature of *homo sapiens* that bears scant resemblance to the actual "self." A notable result of this approach to explaining human behavior is the doctrine of determinism, which discounts as illusory the overwhelming internal experience that people are free and creative beings because such experience is not amenable to detached, external analysis. Consider in this context the remarks of Robert Wright: "[Y]ou can argue with the proposition that all we are is knobs and tunings, genes and environment. You can insist that there is something . . . something *more.* But if you try to visualize the form this something would take, or articulate it clearly, you'll find the task impossible, for any force that is not in the genes or the environment is outside of physical reality as we perceive it. It is beyond scientific discourse."[23]

The fact is that any "scientific" account of human behavior solely in terms of genes and environment simply cannot do justice to the intentional and valuational aspects of human beings. One might as well expect the aesthetic qualities of the "Mona Lisa" or "Starry Night" to be explained *in toto* by a chemical analysis of the paints used respectively by Da Vinci and Van Gogh. Thus, in order to understand people as moral agents, this crimped explanatory procedure must be rejected and replaced by a view more akin to a premodern epistemological *modus operandi.* What is needed is an epistemology capacious enough to do justice to both

22. Alisdair MacIntyre, "Bernstein's Distorting Mirrors: A Rejoinder," *Soundings* 67/1 (1984) pp. 38-39.

23. Robert Wright, *The Moral Animal* (New York: Vintage Books, 1994) p. 348.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

the detached and participatory levels of experience. This does not amount to accepted arbitrarily a picture of the world *simply* because it is congenial with psychological, moral or spiritual longings. It does, however, mean the rejection of an emaciated worldview — one in which the psychological, moral and spiritual dimensions are left inexplicable — precisely because the aforementioned ineradicable longings are not taken into consideration. "What we need to *explain* is people living their lives; the terms in which they cannot avoid living them cannot be removed from the *explanandum*, unless we can propose other terms in which they could live them more clairvoyantly. We cannot just leap outside of those terms altogether, on the grounds that their logic does not fit some model of 'science' and that we know a priori that human beings must be explicable in this 'science.' This begs the question. How can we ever know that humans can be explained by any scientific theory *until* we actually explain how they live their lives in its terms?"[24]

Undergirded by this more expansive epistemology, the works of ancient and medieval moral theorists could then be read as an aid in the contemporary search for an adequate theoretical foundation for distinguishing good from evil. Then it may even be possible to reintroduce theological and philosophical terms such as God, sin, virtue, soul, natural law, and human *telos* when seeking to analyze and explain human behavior. And, if MacIntyre is correct, this should be done not out of some conservative or antiquarian perversity, but because honest scrutiny has revealed that moral experience just cannot be adequately articulated without them. Such terms may turn out to be necessary theoretical tools for interpreting moral life as actually lived. Only after recovering such an epistemological framework will it be once again possible to fashion a philosophy of ethics or metaethical theory useful to moral practitioners. Then they might no longer see philosophers as purveyors of obscurity and obfuscation on moral matters but as genuine guides to assist them in their attempts to make moral sense of their lives.

---

24. Charles Taylor, *Sources of The Self* (Cambridge: Harvard University Press, 1989) p. 58.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

# *A Lifeworld without a Subject: Habermas and the Pathologies of Modernity*

Finn Bowring

Jürgen Habermas has been credited with rescuing Critical Theory from the brink of nihilism. Although he has adopted Max Weber's interest in rationalization, as is well known, he questions Weber's pessimistic view that modernization will inexorably lead to the imprisonment of individuals in meaningless systems of instrumental rationality. Habermas' optimism, however, is not the result of a belief in the irreducible nature of human freedom. Rather, it derives from the more ambitious claim that the linguistic structures of the lifeworld harbor the emancipatory goal of mutual understanding. This linguistic revision of Critical Theory has met considerable criticism. Habermas' optimistic interest in communication rather than praxis, democratic interaction rather than self-determining labor, has often been dismissed as a self-serving attempt to legitimate the de-radicalization of the intellectual Left and conceal its integration into the academic establishment. The importance of rational discourse in Habermas' formulation, allegedly modelled on the structure of the university seminar, also provoked the criticism that this brand of Critical Theory, by accepting the existence of a monetary-bureaucratic system incompatible with collective self-management, was complicit in consolidating the power of the "New Class." Political agency had thus been removed from everyday life and entrusted to an expertocracy of enlightened thinkers.

Animated by the strong desire to sustain the spirit of critical thinking, however, those critics who have remained faithful to Adorno's vision and the earlier model of Critical Theory have been vulnerable to the countercharge that, by their inveterate negativity, they were themselves detached



LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

from any positive contributions to social change. After 1987 this problem began to be addressed by focusing attention on radical federal populism, defending the integrity of "organic postmodern communities" against the homogenizing logic of corporate capital and the managerial state. This attempt to locate critical negativity in the diversity and heterogeneity of existing local communities, both residual and reconstituted, however, is not the approach followed here.

The basis of negativity is located not in the community, however dynamic and pluralistic its traditions, but in the corporeal and existential life of the subject. As David Gross has pointed out, reconstituted traditions inevitably take on a symbolic form which, if not sustained by free subjects aware of themselves as such, is especially susceptible to commodification by the market and thus becoming part of that "artificial negativity" ultimately complicit in the effective reproduction and legitimation of the predominant system of domination.[1] Gross' argument that defeated or marginalized traditions can serve to awaken a critical consciousness of the present implies the differentiation of that temporality constitutive of the existential subject — a subject that cannot coincide with its object, whose non-identity can be realized only by acting to increase its command over and responsibility for the future.

Determining one's future, however, cannot mean abandoning one's past. Communitarian thinkers such as Michael Sandel have warned that the liberal conception of "the person" — a being unencumbered by history, culture, loyalty and love — devalues the idea of freedom by reducing it to arbitrary caprice. The point of understanding who one is, of identifying one's most fundamental dispositions, affective tastes, affinities, fears and desires, all of which are the unique legacy of a particular social, cultural and parental history, is not to arrive at a final state of personal authenticity. Rather, it is to find a valid point of departure for a free and meaningful commitment. When stripped of its mediations and confronted in its original meaning, the past, which is inescapable but not exhaustive of one's identity, allows a point of articulation with the objective world and the ability to act autonomously on the given without surrendering to involuntary compulsions or the manipulations of the culture industry.

Habermas' theory of the rationalization of the lifeworld excludes this goal of experiencing oneself as a free and responsible subject. By separating validity from meaning, rationality from intentionality, he reduces

1. David Gross, "Rethinking Traditions," in *Telos* 94 (Winter 1992-93), pp. 5-10.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

emancipation to the discursive redemption of normative validity claims and "leaves open the possibility," as Joel Whitebook puts it, "that meaning will be excluded from freedom."[2] Seyla Benhabib was less equivocal when she criticized Habermas' evolutionary theory of communicative rationality for neglecting the agency of particular social groups. She is aware that normative definitions of need become problematic — and thus "understanding" a necessary goal — precisely when the prevailing modes of interaction and discourse prove inadequate and the communicative structures of the lifeworld fail to express the needs of embodied subjects.

This is why a return to a phenomenological conception of the life-world is necessary: as the lived ground of all experienced certainties that exceeds the formalized categories of language, custom, speech and cognition. Since language and culture may not only fail to convey lived experience in its entirety, but may be complicit in its brutalization and denial, it is necessary to acknowledge the existence of a sensory-practical subject capable of subverting the norms of interaction and discourse, transforming its identity, and choosing itself as exactly this free and creative being. Hence political practice entails much more than rational debate: "it entails the transformation of the prevalent cognitive meanings, images, norms and sensibilities from the standpoint of collective groups struggling for emancipation. It entails developing new modes of interaction, experience and cognition, new forms of life and experimental institutional structures that prefigure the society of the future . . . Precisely within the horizon of the lifeworld the meaning of established truth, beauty and justice have to be transformed so as to allow new modes of self-understanding, sensibility and dignity to emerge."[3]

***Rethinking Critical Theory***

The first generation of critical theorists sought to reconcile Weber's diagnosis of the "iron cage" of modernity with Marx's vision of a rationally organized society of free individuals. In their view, this utopia would not materialize, as Marx's philosophy of history indicated, by virtue of the unfolding logic of capitalist development. The failure of the German revolution, the rise of fascism, the triumph of mass consumerism, and the perversion of Marxism in the Soviet Union had convinced the exiled members of the Frankfurt School that the momentum of history was not

2. Joel Whitebook, "Saving the Subject: Modernity and the Problem of the Autonomous Individual," in *Telos* 50 (Winter 1981-82), p. 99.

3. Seyla Benhabib, "Modernity and the Aporias of Critical Theory," in *Telos* 49, Fall 1981, p. 58.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

leading to a liberated society. In Adorno's view, such a society required the radical negation of an "administered world" that had become so reified that the emancipatory impulse had taken refuge from the complicities of conceptual thinking in the non-identity principle of autonomous art. It was precisely this elusiveness of emancipatory reason to ordinary social actors that undermined the Frankfurt School's protest against Weber's negative prognosis and weakened their intellectual influence.

In Habermas' view, the failure of early Critical Theory resulted from "the exhaustion of the paradigm of the philosophy of consciousness."[4] In adhering to the philosophical dualism of subject and object, consciousness and its world, Critical Theory was, he argues, unable to conceive of social action as anything other than the solitary subject's representation or manipulation of the objects in the world. From such an "ego-logical" perspective, instrumental reason, with its objectification of people and things, was bound to be perceived as triumphant. Habermas argues that, whereas Adorno and Horkheimer, and later Marcuse, removed the vestiges of ambivalence with which Weber still treated the rationalization process, common to all these theorists of modernity, Marx and Weber included, is the pervasive presence of an all-encompassing societal rationality.

Here is where Habermas diverges from this tradition. Although Weber depicted rationalization as a transition from communal social action to rationally regulated action, he failed to distinguish between action oriented to mutual understanding and action oriented to success. He was therefore unable to understand "the communicative rationalization of everyday action and the formation of subsystems of purposive-rational economic and administrative action as *complementary* developments."[5] In this formulation, the unification of life under a single rationality principle, i.e., the Marxist-Hegelian notion that common ownership of the means of production will bring the autonomous processes of production and administration back into the horizon of communicative co-operation, has become unattainable. Adhering to this goal implies a rejection of modernity and a refusal to consider "whether the systemic interconnection of the capitalist economy and the modern state administration do not *also* represent a higher and evolutionary advantageous level of integration by comparison to traditional societies."[6]

---

4. Jürgen Habermas, *The Theory of Communicative Action*, Vol. 1, tr. by Thomas McCarthy (London: Heinemann, 1984), p. 386.
5. *Ibid.*, p. 341.
6. Jürgen Habermas, *The Theory of Communicative Action*, Vol. 2, tr. by Thomas McCarthy (Cambridge, Polity Press, 1987), p. 339.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

In Habermas' revision of Critical Theory, social conflict in late modern society lies not in the struggle between reason and unreason, between the working class as the bearers of a universal rationality and the ruling class as bearers of a flawed logic of competition, but rather in the contest between two different mechanisms of coordinating and integrating people's actions. On the one hand, mechanisms of linguistic communication, by aiming at mutual understanding, harmonize the action orientations of individuals; on the other, "de-linguistified" steering media, such as power and money, functionally stabilize the unintended interconnections of decisions that have not been subjectively coordinated. "In the one case, the integration of an action system is established by a normatively secured or communicatively achieved consensus, in the other case, by a non-normative regulation of individual decisions that extends beyond the actors' consciousnesses."[7] In the former, communicative action ensures rationally motivated agreement which liberates social relations from deception and coercion; in the latter, systemic mechanisms relieve language of the burden of co-ordinating all action interconnections, and permit individuals to follow their own self-interests without "dysfunctional" or collectively deleterious results.

Corresponding to these differentiated processes of social and system integration, Habermas claims, are the reproduction of the "inner logic" of the symbolic structures of the "lifeworld," and the systemic maintenance of its material substratum. The pathologies of post-traditional society derive from the failure of social institutions to channel the influence of the lifeworld on those formally organized domains of action where social relations are regulated by steering media, so the reverse occurs. The imperatives of a system dedicated to its own and society's material reproduction thus "suppress forms of social integration even in those areas where a consensus-dependent co-ordination of action cannot be replaced, i.e., where the symbolic reproduction of the lifeworld is at stake. In these areas, the *mediatization* of the lifeworld assumes the form of a *colonization*."[8]

It is this colonization which constrains and distorts the unfolding logic of communicative action, and it is the process of communicative rationalization which is, for Habermas, the principal dynamic of enlightenment and emancipation. Communicatively achieved agreement, i.e., consensus formation in language achieved without intimidation or manipulation, where the only force is "the authority of the better argument," is "the inherent telos of human speech." He claims "The utopian perspective of reconciliation

7. *Ibid.*, p. 117.
8. *Ibid.*, p. 196.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

and freedom is ingrained in the conditions for the communicative sociation of individuals" and "is built into the linguistic mechanism of the reproduction of the species."[9] This rational utopia will be discussed shortly. First, however, it is necessary to look more closely at the processes involved in the rationalization of society and the "uncoupling of system and lifeworld."

***Differentiation of System and Lifeworld***

In primitive societies permeated by mythical world-views, Habermas suggests, social integration and system integration are tightly interwoven. Mythical interpretive systems confuse the distinction between what is empirically given and what is normatively valid, between causal relations and human intentions, between natural phenomena and interpersonal relations, between physical events and communicative utterances. The objective, social (normative) and subjective worlds are fused by forms of thought which immobilize the potential of speech for negation and innovation and prevent the divergence of concepts of validity (such as morality and truth) from empirical concepts (such as causality and health). System mechanisms remain enmeshed with mechanisms of social integration for as long as they are attached to the pre-given social relations of the kinship system. In tribal societies, the kinship system takes on the role of relations of production: base and superstructure are unified. The systemic mechanism of *power* only becomes detached from kinship structures when a form of *political* power emerges (in traditional societies) which no longer derives its authority from the prestige of leading descent groups, but rather from "disposition over judicial means of sanction." At this point, the concept of "authority of office" replaces that of kinship status, as tribal societies stratified into similar social units evolve into politically stratified class societies comprised of different social units with their own cultural milieus and centered upon a new institution: the state. Organizational power expands as the collectivity's capacity to act as a whole is centralized. Relations of production are now incorporated into the political order, while religious world-views, undifferentiated from kinship institutions in the earlier period, assume an ideological function.

With the subsequent emergence of a capitalist market at the beginning of the modern era, a subsystem of production relations is differentiated from the political order (and thereby relegates the latter to the status of a subsystem). This is achieved by the medium of monetary exchange, the validity of which is guaranteed by the institution of private law. As money

9. Habermas, *op. cit.*, Vol. 1, pp. 287, 398.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

becomes a mechanism for steering depoliticized and non-normative economic activity in economically constituted class societies, political domination is restricted by the formal recognition of private legal subjects.

In traditional society the state, because it aims to organize and have jurisdiction over society as a whole, has to link up with and utilize the established normative contexts and cultural traditions of the lifeworld, including the illusory interpretations offered by religious world-views, if it is to maintain its legitimacy. The differentiation of autonomous subsystems in modern capitalist society removes this imperative. When private enterprises and public institutions operating according to different principles are established, neither institutional complex can claim absolute (and arbitrary) power over society. As a consequence, each is forced to introduce the formal principle of voluntary membership which, in making formally specified expectations of behavior a precondition for membership in the subsystem, allows the actual workings of the subsystem to become independent of communicatively structured lifeworld relations. At this point, the differentiation of system and lifeworld is complete.

***From Cultural to Societal Rationalization***

Habermas follows Weber in conceiving the communicative rationalization of the cultural lifeworld. A process Weber saw in terms of the rationalization of religious-metaphysical world-views, Habermas characterizes as the "linguistification of the sacred" — a process in which the subject is "decentered" by the differentiation of three distinct cultural value spheres. In each sphere, cultural knowledge specific to a particular "structure of consciousness" advances according to its own inner logic. This makes possible the transformation of traditional knowledge into a modern, "disenchanted" understanding of the world. The three cultural spheres specialize in validity claims relating to objective truth, normative rightness, and inner truthfulness. In the three spheres of science, morality and law, and art, respectively, cognitive-instrumental, moral-evaluative, and aesthetic-expressive attitudes or modes of consciousness are anchored. However, rationalization of the lifeworld, which is a prerequisite for the development of differentiated subsystems, does not occur merely at the level of culture. Since Habermas wants to retain Durkheim's understanding of the differentiation of the lifeworld as the separation of culture, society, and personality, an important question is how the rationalization of culture and personality was transposed into societal rationalization, whereby modern structures of consciousness became embodied in social institutions per-

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

mitting the differentiation of purposive-rational subsystems of action.

Habermas adopts Klaus Eder's view that the stages of individual moral development identified by Lawrence Kohlberg are homologous to the structures of consciousness pertaining to the moral-legal evolution of archaic, then traditional, and then modern societies. These are: the pre-conventional level, at which only the consequences of an action are judged; the conventional level, at which intentions and orientation to norms are judged; and the post-conventional level, at which norms themselves are judged and evaluated. Habermas' thesis "is that higher levels of integration cannot be established in social evolution until legal institutions develop in which moral consciousness on the conventional, and then post-conventional, levels is embodied."[10] It is, therefore, the evolution of law and morality which is the pacemaker in the rationalization of society and the differentiation of competing mechanisms of integration. In tribal societies, where no objective law is recognized independent of actions and where actions and norms are interwoven, the violation of the ritually validated norms of a sacred order calls for an atonement that cannot ultimately be enforced by an independent judicial authority. Punishment for offences, regarded as such from the pre-conventional perspective, are not aimed at reforming the intentions of wrongdoers but at purifying society of the effects of their actions.

In traditional societies organized around a state, the differentiation of a political authority presiding over centralized means of force requires that the power of sanction be recognized as legitimate. Offences are now judged from the conventional level, as violations of laws intersubjectively recognized as normatively valid. Punishment addresses not simply the consequences of a deviant act, but the blameworthy intentions of accountable actors. Judicial power is no longer based on the prestige of one's status, but on the perceived legitimacy of a legal order and of the position of those empowered to safeguard and enforce it.

The institutional framework required for economic class societies based on the steering medium of money includes the differentiation between private and public law. Bourgeois private law institutionalizes a morally neutral system of action in which normative interactions are transformed into competitive, purposive-rational transactions between private legal subjects. Public law, presided over by the state, is a means of settling disputes and restoring consensus in cases of stubborn conflict. Most important, however, is the separation of legality and morality. This is the differentiation of, on the one hand, an externalized legal system,

10. Habermas, *op. cit.*, Vol. 2, pp. 174-5.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

divested of moral injunctions, in which behavior (and not private dispositions) is regulated negatively by the threat of removing entitlements and, on the other, a de-institutionalized morality that has been internalized and anchored in the personality system and in the light of which autonomous individuals judge and evaluate the validity of the former.

Here it is clear why modernity requires, in Habermas' analysis, a post-conventional level of moral consciousness — a capacity to criticize and evaluate norms on the basis of higher (hypothetical) principles. Institutionalizing morally neutral competition between strategically acting private subjects, by dispensing with the need for mutual understanding, relativizes the validity of the norms on which consensus was traditionally secured and thereby accelerates the breakdown (the rationalization) of the cultural traditions themselves. At the same time, the separation of legality and morality still demands the readiness of legal subjects to show obedience to law, requiring that the legal system as a whole be anchored in basic principles of legitimation — principles which can no longer depend on the taken-for-granted authority of moral traditions. Modern legal norms are thus open to criticism and revision. They require justification by a post-conventional moral consciousness embodied in the basic rights of bourgeois constitutions, in the principle of popular sovereignty, and in the institutions of political will-formation where democratic procedures for positing and justifying norms are formally established.

***Value Generalization***

Habermas describes this process by which the securing of consensus shifts to more and more abstract levels using Parson's term "value generalization." All interaction systems require a degree of generalized orientations to coordinate action. In tribal societies, the prestigious or influential person is able to secure an advance of trust from others when the former takes an initiative. In politically constituted societies, the obedience of the many rests on the legal authority of the state. In modern societies, value orientations are so generalized that "abstract obedience to the law becomes the only normative condition that actors have to meet in formally organized domains of action."[11]

This growing generalization of values and motives detaches interaction from particular, concrete norms and values, the effect of which is to transfer the means of action coordination from a religiously grounded consensus to the mechanisms of consensus formation in language. The separation of

11. *Ibid.*, p. 180.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

legality from morality helps to release the rationality potential in communicative action by tying social integration to the de-institutionalized, internal moral principles of a post-conventional moral consciousness. However, it also makes possible — indeed, necessary — the steering of actions by non-linguistic media in areas where a de-moralized law has displaced the need for mutual understanding onto the question of the legitimacy of the legal system as a whole. When action systems become increasingly generalized, pre-given forms of normatively secured consensus are discredited and an ever more dense network of interactions demands mechanisms of action coordination that are more efficient than communicatively achieved agreement. In Habermas' analysis, two kinds of "relief mechanism," i.e., types of communicative media which reduce the expenditure of communication and the risk of dissension, emerge to meet this demand. They function by either condensing or replacing mutual understanding in language.

The first category includes mechanisms which focus and simplify linguistic consensus formation by specializing in certain aspects of validity and in condensing thought and debate. The roots of these mechanisms go back to the prestige or influence carried by members of tribal societies whose disposition over knowledge and degree of communicative responsibility secured rationally motivated trust or confidence from others. The generalization of the prestige and influence of such individuals has evolved, with the secularization of modern bourgeois culture, into cultural discourses specializing in scientific, moral, and aesthetic knowledge (so that scientific reputation, moral leadership, and ostensible self-awareness are attributes commanding trust or confidence). The development of these mechanisms of condensing communication by specialist expertise requires, in turn, communication technologies in the public sphere. Writing, printing, and electronic mass media free speech acts from their original spatio-temporal contexts, thus extending the potential scope for both abstract enquiry and public debate.

The second category includes steering media which uncouple action co-ordination from consensus formation in language altogether. Media such as power and money replace linguistic communication with generalized values deployed in such a way that a strategic influence can be exerted on the decisions of participants. This relief mechanism can be traced back to prestige and influence grounded in empirically motivated trust, which in primitive societies is inducement or intimidation based on disposition over property, physical strength, practical skills, and so on. Media of the first kind cannot uncouple action coordination from the lifeworld context of

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

cultural traditions, shared norms and accountable intentions because they must draw on the resources of consensus formation in language, on rationally motivated agreement, for their validity. "Delinguistified media of communication such as money and power, connect up interactions in space and time into more and more complex networks that no one has to comprehend or be responsible for."[12] It is for this reason that media steered subsystems represent a superior level of integration, enabling the purposive-rational actions of "adaptation and goal attainment" (Parsons) necessary for the material reproduction of life to be functionally coordinated with maximum efficiency and minimum risk of disagreement. The danger, however, is that mechanisms of integration tailored to the material reproduction of society encroach on areas vital for its symbolic reproduction — areas where communicative action cannot be dispensed with without causing pathological side-effects. The societal deformations analyzed by Marx and Weber should not, therefore, be attributed to the rationalization of the lifeworld *per se*, nor to the increasing autonomy of the social system made possible by this rationalization: "It is not the uncoupling of media-steered subsystems and of their organizational forms from the lifeworld that leads to the one-sided rationalization or reification of everyday communicative practice, but only the penetration of forms of economic and administrative rationality into areas of action that resist being converted over to the media of money and power because they are specialized in cultural transmission, social integration, and child rearing, and remain dependent on mutual understanding as a mechanism for co-ordinating action."[13]

***Welfare Capitalism***

Habermas argues that the reification of the lifeworld, i.e., its colonization by apparatuses and media which bureaucratize and monetarize social relations and reduce individuals to instrumentally-oriented private subjects, is most advanced in welfare capitalism. Here, the system's imperatives, channelled via power and money, attach to the lifeworld though four roles: the public roles of citizen and welfare client; and the private roles of employee and consumer. In Habermas' view, the alienation of producers and the maldistribution of wealth is no longer an explosive source of social conflict. Occupational roles have become normalized and the debilitating proletarian features of employment removed by humanized working conditions, steadily increasing purchasing power, and legally guaranteed

12. *Ibid.*, p. 184.
13. *Ibid.*, p. 330.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

securities, — all of which derive, at least until recently, from an increasingly active welfare state. Industrial conflict is displaced to the compensatory practice of mass consumption. This is reflected in the growth of consumer groups which attack the commercialization of the lifeworld, the manipulation of consumers, the increasing commodification of identities, and the monetarization of private relations. These groups may advocate a self-limiting of consumption, or demand production that is sensible, sustainable, and oriented to use-value.

Although state mediation of class conflict implies a shifting of economic crises onto an administrative system burdened with problems of political legitimation, Habermas observes that the citizen role has also been normalized and the possibilities of political participation neutralized by the deformation of the structures of public discourse and monopoly of the means of communication. Political action is reduced to occasional electoral decisions pertaining only to the recruitment of public personnel, and political programs are removed from the orbit of discursive will-formation. This process of de-politicization is also compensated for, this time by client relations established with a welfare state providing bureaucratic provision for life. Here, again, Habermas sees new conflict potential gathering, as the problems of political alienation are defused by mechanisms of administrative regulation and therapeutic assistance which assimilate clients to functionally integrated domains of action. This triggers social movements protecting individual autonomy and independence. They may advocate euthanasia and the de-medicalization of death, the right to an education commensurate with one's personal experience and cultural background, the decentralization of politics and the right to self-organized forms of mutual aid and production for oneself or one's local community (including voluntary associations, credit unions, non-monetary trading systems), and so on.

*Juridification* is the term Habermas uses to describe the expansion of law to hitherto informally regulated social matters and the increasing density or specialization of legal regulations and procedures. In Habermas' view, the extension of welfare-state guarantees designed to cushion the impact of political and economic disempowerment has negative consequences that are not merely side-effects: "It is now the very means of guaranteeing freedom that endangers the freedom of the beneficiaries."[14] The bureaucratic implementation and monetary redemption of welfare entitlements has a range of negative effects. Administrative treatment by remote and centralized organizations requires a violent abstraction of

14. *Ibid.*, p. 362.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

recipients from their concrete lifeworlds and a standardization of clients under formally specified general legal conditions. By granting entitlements to strategically acting legal subjects following their own self-interests, welfare provisions also individualize social needs and marginalize collective orientations. As legalized state intervention divorces social relations from the consensual mechanisms that coordinate action and subjects them to the formal procedures and expertise of therapeutic services, the independence and self-reliance of individuals, families and communities is undermined, and the disintegration of social solidarity which private consumerism engenders is magnified.

Habermas pays particular attention to the expansion of legal protection and the enforcement of rights for family members and students. In these circumstances, juridification does not describe an increase in the density of an already existing network of legal regulations, but the super-imposing of legal norms on informally regulated contexts of communicative action. Addressed as legal subjects, members of these institutions increasingly encounter each other as strategically acting individuals, while the forms of inequality or domination that are broken up by statutory interventions are typically replaced with a new dependency — on the assistance of and recognition by the state. In Habermas' view, processes of socialization and pedagogy require for their very efficacy the medium of communicative action. When, on the contrary, the medium of law is used to resolve conflicts in these domains, individuals whose legal rights are being defended are often themselves subordinated to opaque bureaucratic proceedings rather than being autonomous participants in them. In the school, for example, the attempt to integrate the education with the employment system and to empower students as consumers of tradable knowledge leads to the depersonalization of teaching and the breakdown of responsibility. The pedagogical freedom of teachers is further threatened by demands for litigation-proof grades and the over-regulation of the curriculum.

Hence the importance of protest movements which defend the autonomy of the lifeworld: "The point is to protect areas of life that are functionally dependent on social integration through values, norms, and consensus formation, to preserve them from falling prey to the systemic imperatives of economic and administrative subsystems growing with dynamics of their own, and to defend them from becoming converted over, through the steering medium of the law, to a principle of sociation that is, for them, dysfunctional."[15] Talk of "dysfunctions" in the liberated domain of the

15. *Ibid.*, pp. 372-3.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

lifeworld may seem incongruous in light of the preceding analysis. After all, the subtitle for the second volume of Habermas' *The Theory of Communicative Action* is "The Critique of Functionalist Reason," and his theory of the differentiation of system and lifeworld presupposes a distinction between spheres of functional and communicative rationality. Has Habermas succeeded in purging his analysis of the lifeworld from the functionalist bias of sociology, or is he guilty of replicating in his work that trend which he ostensibly criticizes, i.e., the process whereby the lifeworld "gets cut down more and more to one subsystem among others"?[16] These questions can be answered only by re-examining Habermas' concept of communicative action and his understanding of the lifeworld.

***Communicative Action***

Habermas argues that people who communicate with each other mobilize the rationality potential inherent in their basic attitudes toward: the objective world of physical things, the social world of norms and expectations, and the subjective world of inner experience. As already noted, he follows Weber in conceiving the rationalization of world-views as the differentiation of these three "formal world-concepts" — in modern society what is true, what is normatively "right," and what is subjectively experienced, may be three different things. The differentiation of three "structures of consciousness" — cognitive, normative, and aesthetic-expressive — is reflected in the independent development of corresponding cultural value spheres. In this process, traditional world-views are transformed into independent systems of learning (i.e., science, moral/legal/political theory, and art) producing knowledge pertaining to specific validity claims.

Thus, communicative rationalization is a process whereby the consensual coordination of action is achieved no longer by the authority of established customs and norms which transmit a pre-linguistically guaranteed consensus, but by virtue of the interpretive accomplishments of the participants themselves, who draw on rationalized knowledge in making validity claims that are accepted only when "the authority of the better argument prevails." "Correspondingly, a lifeworld can be regarded as rationalized to the extent that it permits interactions that are not guided by normatively *ascribed* agreement but, directly or indirectly — by communicatively *achieved* understanding."[17]

In communicative action, mutual understanding is sought "to arrive at

16. *Ibid.*, p. 154.
17. Habermas, *op. cit.*, Vol. 1, p. 340.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

an agreement that will provide the basis for a consensual coordination of individually pursued plans of action."[18] Agreement is not the only goal of communicative action; the latter is not identical to *communication*: "the interpretive accomplishments on which co-operative processes of interpretation are based represent the mechanism for *co-ordinating* action; communicative action is *not exhausted* by the act of reaching understanding in an interpretive manner."[19] In other words, communicative action is a means of linking the aims of individual participants in a cooperative way so that "they pursue their individual goals under the condition that they can harmonize their plans of action on the basis of common situation definitions."[20]

When communicating in everyday life, people raise validity claims on three levels. Each claim may be accepted or challenged until an agreement is reached. In relation to the objective world, the speaker claims that what is said is empirically true. In relation to the social world, the speaker claims that what is said is right and acceptable in the normative context. In relation to the subjective world, the speaker claims that what is said is a truthful and sincere expression of his or her experience. Consensus in the first case leads to shared propositional knowledge; in the second, it results in normative accord; while in the third, the outcome is mutual trust.

***Reproduction of the Lifeworld***

By communicating, actors draw on and reproduce the structures of the lifeworld. Intending to correct the "culturally abridged" definition of the lifeworld as conceived by Husserl and Schütz, Habermas sees the modern lifeworld as having three differentiated components, whose reproduction in modern society is increasingly professionalized. These are: culture (in which sacred knowledge is superseded by knowledge specialized according to rationally motivated validity claims); society (in which legality and morality become divorced and political processes of discursive will-formation are institutionalized, thus establishing the preconditions for the differentiation of sub-systems out of the lifeworld); and personality (in which increasingly pedagogical processes of child-rearing have developed, and where a post-conventional level of moral autonomy is attained, indeed *required,* if individuals are to switch from different action contexts coordinated by different logics without endangering their identities).

As in the objective world of physical things, the social and subjective

18. *Ibid.*, pp. 295-6.
19. *Ibid.*, p. 101.
20. *Ibid.*, p. 286.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

worlds can become elements of a situation open to communicative interpretation fed by the knowledge flowing from differentiated knowledge systems. But language and culture, Habermas argues, must always remain "at the backs" of participants who cannot perform or understand a speech act (indeed, cannot exist as coherent subjects) without *moving within* a pre-interpreted linguistic and cultural frame of unquestionable presuppositions. This is why Habermas still grants language and culture "a certain transcendental status" in his definition of the lifeworld, which he ultimately sees as "a culturally transmitted and linguistically organized stock of interpretive patterns." "Language and culture neither coincide with the formal world concepts by means of which participants in communication together define their situations, nor do they appear as something innerworldly;" "Language and culture are constitutive for the lifeworld itself."[21] Although they must draw on and "test" the knowledge stored in cultural value spheres, when people come to an understanding about something in the objective, social, or subjective worlds, they cannot do so by an absolute problematizing of culture and language itself. Thus: "In everyday communicative practice there are no completely unfamiliar situations. Every new situation appears in a lifeworld composed of a cultural stock of knowledge that is 'always already' familiar. Communicative actors can no more take up an extra-mundane position in relation to their lifeworld than they can in relation to language as the medium for the processes of reaching understanding through which their lifeworld maintains itself. In drawing upon a cultural tradition, they also continue it."[22]

Although the lifeworld as an institutional order and a personality structures can figure as part of a situation open to communicative interpretation, it also serves as a resource. The lifeworld not only sustains the individual through cultural certainties, but also through customary social expectations (intuitive knowledge of *what* one can count on in certain situations), as well as individual competences (intuitive knowledge of *how* to deal with situations). This is why Habermas views interactions woven into the fabric of communicative action as contributing to the reproduction of all three "structural components" of the lifeworld. Communicative action and the achievement of mutual understanding not only serve to transmit and renew cultural knowledge; they are also the medium by which individuals develop and affirm relations of solidarity, as well as acquire and consolidate their individual identities. "In coming to an understanding with one another

21. Habermas, *op. cit.*, Vol. 2, pp. 124-5.
22. *Ibid.*, p. 125.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

about their situation, participants in interaction stand in a cultural tradition that they at once use and renew; in co-ordinating their actions by way of intersubjectively recognizing criticizable validity claims, they are at once relying on membership in social groups and strengthening the integration of those same groups; through participating in interactions with competently acting reference persons, the growing child internalizes the value orientations of his social group and acquires generalized capacities for action."[23]

***Reification and Cultural Impoverishment***

For Habermas, disturbances to the lifeworld are crises of reproduction. Disturbances in cultural reproduction, the function of which is to secure a continuity of tradition and a coherence of knowledge needed for daily practice, are primarily manifested as a loss of meaning. Disturbances in social reproduction — social integration, which connects events, coordinates action, and stabilizes group identities across social space through legitimately regulated interpersonal relations — are primarily manifested as a breakdown of solidarity and prevalence of anomie. Disturbances in the reproduction of the adult personality — socialization, which is necessary for the transmission of action competence and the harmonization of individual with collective forms of life — are primarily manifested as psychopathologies and severe forms of alienation.

It has already been indicated how the "communicative infrastructure" is threatened by the encroachment of non-normative steering media into areas, such as the family and school, which are crucial for social integration and socialization. Habermas is keen to distinguish these reification effects, which are caused by the colonization of the lifeworld by system imperatives, from the "loss of meaning" caused by the erosion of traditional culture. In his analysis, "systemically induced reification" and "cultural impoverishment" are "two interlocking, mutually reinforcing tendencies."[24] Neither Weber's understanding of rationalization, nor Marx's concept of alienation, was adequate to distinguish the reification of post-traditional lifeworlds from the destruction of traditional forms of life.

In Habermas' view, the cultural impoverishment of the lifeworld ultimately derives from the differentiation of science, morality, and art, and the subsequent growth of expert cultures which, cut off from vernacular life, devalue cultural traditions without making secular knowledge an accessible replacement. This analysis has important implications for ideology.

23. *Ibid.*, p. 137.
24. *Ibid.*, p. 327.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Habermas claims that, in modernity's fully secularized bourgeois culture the realm of the sacred has largely disappeared, and with it the substance of culturally sanctioned, irrational convictions immune to rational critique. In this process the sacred realm is drained of its capacity to carry ideological functions. Instead, the fully differentiated validity basis to the understanding of the modern world "becomes so transparent that the communicative practice of everyday life no longer affords any niches for the structural violence of ideologies. The imperatives of autonomous subsystems then have to exert their influence on socially integrated domains of action from the outside, and *in a discernible fashion*."[25]

Although a rationalized lifeworld cannot generate ideology and the competition between opposing forms of integration becomes more visible, Habermas observes that the differentiation of cultural knowledge and the splitting off of expert systems from the continuity of everyday traditions robs consciousness of its power to synthesize. "In place of 'false consciousness' we today have a 'fragmented consciousness.'" He continues: "the theory of late-capitalist reification, reformulated in terms of system and lifeworld, has to be supplemented by an analysis of cultural modernity, which replaces the now superseded theory of consciousness. Rather than serving a critique of ideology, this analysis would have to explain the cultural impoverishment and fragmentation of everyday consciousness. Rather than hunting after the scattered traces of revolutionary consciousness, it would have to examine the conditions for re-coupling a rationalized culture with an everyday communication dependent on vital traditions."[26]

***Habermas and Gorz: Fellow Travellers?***

Surprisingly, the similarities in the work of Gorz and Habermas have passed unnoticed, perhaps because Gorz has only recently begun to tailor his writing to a strictly academic audience. Before Habermas, Gorz had already described the differentiation of system and life-world, formulated in his own terms as the separation between a sphere of heteronomy and a sphere of autonomy.[27] Gorz also rejected Marx's exclusive emphasis on the labor process as the medium both of alienation and of potential freedom. Along with Habermas, Gorz shows an appreciation of the independence of market economy and the modern state, proposing a socialism

25. *Ibid.*, p. 354.
26. *Ibid.*, pp. 355-6.
27. André Gorz, *Farewell to the Working Class*, tr. by Michael Sonenscher (London: Pluto, 1982).

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

which "does not aim to abolish the economic and administrative systems, but only to limit and bind them into the lifeworld."[28]

Both Gorz and Habermas understand modern capitalism in terms of a structure or system of domination. Both have been inaccurately depicted as dehumanizing social processes by conceiving heteronomous subsystems as self-propelled apparatuses devoid of human contribution or consent.[29] Both prioritize the defence of autonomous social relations from commodification and instrumentalization by money and power. Both have exposed themselves to (especially feminist) critique by concentrating on the colonization of lifeworld contexts by formal apparatuses and under-emphasizing forms of domination exercised informally in the private realm. Both believe that the democratic re-steering of the economy cannot be accomplished from within the domain of the labor process, and that the autonomy of the political sphere represents the best chance for transforming society without violence or tyranny.

Where they diverge is in their understanding of the autonomous subject. For Habermas, individual autonomy is a moral and psychological competence acquired through socialization. For Gorz, autonomy is a sovereign act marking the limits to socialization. For Habermas, it is by interactive participation in the "structure of linguistic intersubjectivity" (through which "the system of personal pronouns ensures that the child learns to play social roles in the first person"[30]) that individuation develops. For Gorz, "autonomous individuals are those whose socialization has been defective, incomplete," those for whom "the non-socialized part of their lives prevails over the socialized part,"[31] and for whom social roles and norms will always appear somewhat accidental and contingent.

A simple explanation for this difference in approach, which in some respects articulates the divergence of Habermas from the radical thought of the early Frankfurt School, is that Gorz's background in Sartrean existentialism, itself a product of a Cartesian tradition, accords to consciousness the kind of radical (and solitary) freedom Habermas consigns to the spent "philosophy of the subject." A more subtle understanding, however, can be gained by looking again at the notion of the lifeworld.

---

28. André Gorz, *Capitalism, Socialism, Ecology*, tr. by Chris Turner (London: Verso, 1994), p. 41.

29. See, for example, the review of Gorz's *Farewell* by Johannes Berger and Norbert Kostede in *Telos* 51 (Spring 1982), and Berger's review of Habermas' *Theory of Communicative Action* in *Telos* 57 (Fall 1983).

30. Habermas, *op. cit.*, vol. 2, p. 90.

31. André Gorz, *Paths to Paradise*, tr. by Malcolm Imrie (London: Pluto, 1985), p. 66.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

***Cultural Life-World vs. Corporeal Lived-World***

As already indicated, the subject is absent from Habermas' lifeworld. The threat posed to the lifeworld by the encroachment of instrumental rationality, as well as by the expertise of specialized knowledge, is a threat to contexts of action that "by functional necessity" require mutual understanding as a mechanism for coordinating action. Habermas repeatedly talks about spheres of action that can "fulfil their functions" only under these conditions of social integration. In his account, it is not the subject's integrity and autonomy that is threatened, but rather the capacity of the lifeworld to reproduce its component structures, to fulfil the "functions" of cultural transmission, social integration, and socialization. This begs the question: how liveable is a fully functioning lifeworld? And if it is *unlivable*, how, and on what basis, can it be transformed?

These questions can be answered only if the lifeworld is seen as composed of three crucial dimensions: culture (which includes language, custom, habit, acquired knowledge, and all the fruits of educational and parental socialization); the body and the immediate sensory environment in which it is embedded; and the subject as a conscious agent. If Habermas tends to neglect the third dimension, one explanation for this is that he collapses the second into the first. In other words, because he assimilates the lived experience of the world to the structures of culture and language, Habermas sees no basis — indeed, no need — for criticizing, revising or transforming those very structures of the lifeworld, nor for a subject capable of carrying it out. Instead, his sociologism betrays a conservative impulse which confines itself to the lifeworld's functional reproduction.

If the concept of the lifeworld is not to remain conservative and traditional, the experience of the world must provide values to subject the cultural lifeworld to its own critique. This becomes immediately apparent if one considers that the main function of socialization is to equip individuals with the cultural tools by which they can adjust to a natural, social and technical environment which, since it is not laid out as a benign and bountiful Garden of Eden, cannot be assimilated by the natural body and spontaneously lived as a seamless extension of its sensory life. Processes of cultural assimilation serve to "naturalize" the habits, assumptions, routine practices and cultural norms which enable people to adapt to, and gain a grip on, the harsh, even incorporeal demands of social existence. In this sense, "The naturalization of the cultural world and of its style of life is in effect carried out at the price of a de-naturalization of corporeal existence."[32]

32. André Gorz, *Fondements pour une morale* (Paris: Éditions Galilée, 1977), p. 176.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

In Habermas' disembodied and unified version of the lifeworld, cultural transformation is indistinguishable from cultural reproduction. Since there are no fundamental certainties other than those embedded in the structure of language itself, the lifeworld "cannot become problematic, it can at most fall apart."[33] Gorz has a concept of the lifeworld which derives from Husserl's original formulation as subsequently elaborated by Merleau-Ponty. This is a world whose existence is unquestionable because it is "the one that is actually given through perception, that is ever experienced and experienceable."[34] Unlike the taken for granted world of culture and language — a world which, in moments of crisis, sudden change, bereavement or loss, can always be problematized, perceived as inauthentic, inappropriate, or meaningless — the substance of the world experienced through physical inherence in it is the unshakable ground of lived convictions. This is what Merleau-Ponty called the "lived-through world," the world one cannot be ignorant or doubtful of except by ceasing to be sentient bodies. In Husserl's formulation, it includes "the sense-qualities of actually experienced bodies in the everyday, intuited surrounding world — colors, touch-qualities, smells, warmth, heaviness, etc., which are perceived as belonging to the bodies themselves, as their properties."[35] Although this does not lead to an essentialist notion of "human nature," Gorz' thesis is that the sensory experience of the world — what is perceived by the body as good and agreeable, voluptuous, elegant, graceful, and so on — is haunted by universal values. While never wholly unified with sensory life, culture either gives expressive shape and form to these "vital values," or else it denies them through violence.

Gorz believes that the primacy of bodily experience is evident in the way social bonds are fashioned not through rational discussion but by means of affective relations which cannot be exhaustively captured by verbal communication. "It is through the body," Merleau-Ponty writes, "that I understand other people,"[36] and it is through expressing affection, tenderness, passion and humility that the body reveals the paucity of language as a medium for conveying the sincerity and integrity of the subject. As Gorz insists: "It is at the level of affective relations which always involves a lived

---

33. Habermas, *op. cit.*, Vol. 2, p. 130.
34. Edmund Husserl, *The Crisis of European Sciences and Transcendental Phenomenology*, tr. by David Carr (Evanston: Northwestern University Press, 1970), p. 49.
35. *Ibid.*, p. 30.
36. Maurice Merleau-Ponty, *Phenomenology of Perception*, tr. by Colin Smith (London: Routledge, 1962), p. 143.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

understanding within my body of the life another's body (of her or his way of being present in and *relating to* the world, of the timbre of the voice and not merely what is said) that bonds between persons are created and it is through these bonds, which are deeper than understandings or agreements about practical tasks or the values that should govern actions, that each person accedes to selfhood and to the world by acceding to the other."[37]

Relations at the level of corporeal existence are not only a *prerequisite* for socialization and social integration — in so far as a sense of belonging to society presupposes a physical affinity with its members — they are also a *resistant* to that society. Because bodily relations *exceed* the structures of culture, society and personality, because they are formed by acts of love and tenderness sovereignly assumed as ends in themselves, bonds of personal affection can survive detachment or exclusion from social groups. As Gorz puts it, "the social integration of the individual has its roots in an attachment that is not socializable."[38] The strongest interpersonal bonds are fashioned not through intersubjectively recognized validity claims, but by individuals for whom the contingency of language and of the precepts of reason reflect an experience of the world unmediated by rational society which thereby invalidates it.

Habermas' communicative utopia is thus particularly inapplicable to relations between subjects. In the domain of affective attachments, to reach an agreement "out of principle" is to fail to act as a subject, and therefore to diminish the subjectivity of the other. Cherishing another person, as only personal subjects can, always goes beyond the formal expectations of communicative reciprocity. For it is only by being wholly and unreservedly oneself, i.e., by assuming our embodied existence with full autonomy and responsibility, that it is possible to confer on others their uniqueness and value. But rationally motivated trust, affection and affirmation do not yield a unique and incomparable subject; they reduce the other to a position of validity whose rationality precedes the participants and thus renders them inessential.

### *An Unnatural Nature*

Gorz has recently reformulated the notion of the lifeworld to show the importance of phenomenology to political ecology. In this account, the nature which the ecology movement defends is not that of naturalists but

37. André Gorz, *Critique of Economic Reason*, tr. by Gillian Handyside and Chris Turner (London: Verso, 1989), pp. 174-5.

38. *Ibid.*, p. 175.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

rather the capacity to interact meaningfully with each other and with the world in "natural," spontaneous and intuitive ways.[39] It therefore implies the autonomy of vernacular culture, i.e., the freedom of individuals to self-regulate their activities according to the needs, interpretations and intuitive knowledge stored in the cultural lifeworld, and not in response to external imperatives, formal prescriptions or technical procedures.

However, elsewhere Gorz has shown that this ideal of "natural life," of a fully integrated lifeworld regulated and reproduced through the intuitive cultural practices of its members, is impeded by two factors. The first is that the language and culture acquired in the same process whereby the sensory and motor capacities of the body are learned, and which provide the means to operate within an alien natural and social world, commonly censors our bodily sensibilities and needs. "Habit," as Merleau-Ponty puts it, "expresses our power of dilating our being-in-the-world,"[40] of enlarging a grasp of it by incorporating foreign techniques and tools of action and communication into the organic schema of the body. But the habitual modes of acting and thinking which allow a grip on this world (the relation to time and space, language, tastes in furniture and clothing, patterns of consumption, forms of sociality and of leisure, the customs, rituals, prejudices and beliefs which allow membership in social, religious and ethnic groups), may also violate, attenuate or repress physical sensitivity and prohibit the flourishing of corporeal existence. This is clearly the case in traditional cultures, where "individuals" exchange with a hostile natural habitat may be mediated by often brutal rites and practices (the excision of women's genitals, foot-binding, the wearing of restrictive garments, displays of self-mortification). But it is equally apparent in modern cultures, where the marshalling of society's capacity to control nature requires that the flowering of physical sensibilities be subordinated to the instrumental values and disembodied goals of productivity and profit, and where even non-working environments are composed of detrimental materials and increasingly dematerialized forms of leisure. "In light of this," Gorz argues, "we have to ask at what cost have we come to accept as our lifeworld, this world which is moulded by the instruments of our civilization. To what extent have we, by adapting to it, become maladapted to our own selves? Does

39. See André Gorz, "Political Ecology: Expertocracy versus Self-Limitation," in *New Left Review* 202 (November-December 1993).

40. Merleau-Ponty, *op. cit.*, p. 143.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

our civilization produce a lifeworld through which we belong through *our culture of living*, or does it leave the entire domain of sensory values adrift, in a state of barbarism?"[41]

The second factor, well described by Habermas, which invalidates the ideal of a completely natural lifeworld, is the *irrelevance* of cultural traditions to an increasingly complex, differentiated, and rapidly changing social system. It is the *disunity* of modern life, the novelty of social situations, the plurality of separate dimensions and domains of existence, the impermanence of occupational functions and the multiplicity of social roles, the redundancy of subjective motivations to functionally regulated contexts of action, as well as the patent incongruities — no longer wholly reducible to cultural stereotypes such as class — which this has produced, the senseless co-existence of wealth and impoverishment, prosperity and malaise, the growing fear of and fascination with violence, all of which defies intuitive comprehension and renders cultural heritage, unifying habits, assumptions and self-evident certainties increasingly contingent, limited in validity, even anachronistic. In these circumstances, the defence of the "natural" socio-cultural lifeworld can only be achieved in bad faith, by subjects who, unable to persist in the naive comfort of spontaneous certainties, consciously adhere to obsolete patterns of interpretation rather than assuming the responsibility of inventing new modes of thought and behavior, new relations with themselves, with other people, and with the world. By abandoning the philosophy of consciousness, the individual may be relieved of this responsibility, but at the price of excluding the possibility of a subject capable of *transforming* the lifeworld, and thus of freeing it from the reifying effects of systemic apparatuses.

If the definition of the lifeworld is not to remain abstractly theoretical or practically conservative, Gorz warns, it is necessary to conceive of an autonomous subject capable of defending the lifeworld in the basis of experiences and values which do not — indeed, *cannot* — derive from the lifeworld's "pathologically deformed" symbolic infrastructure. When the preservation of natural certainties entails both the habitual brutalizing of the body in a society in which cruelty and violence are established norms, and a conformity to cultural forms which offer no practical purchase on a complex and differentiated world, consciousness must intervene with a project "incompatible with the ethical ideal of nature, which requires the refusal of the empirical condition, the bringing into play of

41. Gorz, *Criti ue of Economic Reason* , *op. cit.*, p. 86.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

an ethic of praxis, of the denaturalization and humanization of the world, in short, the transcendence of the natural attitude."[42] This, then, is why the positivist version of the lifeworld must be revised. "With the subject's negativity and the negativity of the lifeworld, the possibility of a critique that is not merely traditionalist and conservative disappears, as does the possibility of autonomous action."[43]

It is the negativity of the lifeworld, the birth of a subject who cannot coincide with his or her social and cultural identity, that guarantees the emancipatory potential of modernity. It is the freedom of this subject, which is at first only negative and contingent, being synonymous with a reflexive self-consciousness, which offers the only enduring moral principle for conduct. This was the morality outlined by Sartre and others: to aim at "the recovery of negative freedom and its integration into absolute freedom or freedom properly so-called,"[44] "to effect the transition from nature to morality by establishing a genuine freedom on the original upsurge of our existence,"[45] "to transform into actual freedom the prenatal freedom which is there only to condemn us."[46]

42. Gorz, *Fondements pour une morale*, *op. cit.*, p. 174. The concept of "human nature" is thus rejected, not because there are no natural needs, biological dispositions and innate capacities, but because physiological life cannot be taken for granted. Socialization, in estranging people from what they naturally are in order to adjust them to an adverse world, also condemns them to *live* what they are, and therefore to conquer a subjectivity that was hitherto inconceivable. In Paradise, of course, where bodies and the world are in benign equilibrium, one would be identical with corporeal existence. But by the same token, *people would not be subjects*. This is why meeting the corporeal values identified by Gorz (in sex, *joie de vivre*, creature comforts, etc., when one succeeds in liberating oneself from repressive inhibitions and finds time and space free from functional prescriptions), cannot result in a subject identical with itself. Consciousness, once estranged from its immediate existence, cannot be reunited with what it must nevertheless still be, i.e., it must assume it as the ground of its autonomous existence. This is why, following Sartre, Gorz asserts that the founding values of sensory life "haunt" consciousness, and why ultimate coincidence with them is a vain goal. This is also why the individuals' capacity to liberate themselves from cultural conditioning does not imply an existence free of these, or any, cultural forms. Acquired habits, emotional prejudices and cultural and psychological predispositions cannot be destroyed. Instead, they must be relativized, reworked, given new meaning by assigning them to a past which, while never identical with subjectivity, is nevertheless part of the factual circumstances which the subject must assume in order to be an agent of social and cultural creation.

43. Gorz, *Criti ue of Economic Reason* , *op. cit.*, p. 178.

44. Jean-Paul Sartre, *Saint Genet*, tr. by Bernard Frechtman (New York: Mentor, 1964), p. 207.

45. Simone de Beauvoir, *The Ethics of Ambiguity*, tr. by Bernard Frechtman (New York: Philosophical Library, 1948), p. 25.

46. Maurice Merleau-Ponty, *Adventures of the Dialectic*, tr. by Joseph Bien (London: Heinemann, 1974), p. 161.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

***The Return to the Subject***

"Subjectivity is given to me," Francis Jeanson wrote, "but I must still conquer it in a process of subjectivation."[47] This existential description of the moral subject is very close to that of Alain Touraine, for whom "The Subject is an individual's will to act and to be recognized as an actor."[48] The relevance of Touraine's approach is that he shares with Habermas the view that modernity is characterized by a high degree of differentiation, by the autonomous development of productive and administrative subsystems, and by the growth of apparatuses of cultural domination. But while Touraine also highlights the conflict "between the world of instrumental action and that of culture and *Lebenswelt*,"[49] he also professes a direct affinity with that intellectual tradition which Habermas notoriously repudiates — the Christian and post-Cartesian tradition "based on a dualism of the world of the subject, or of what [St.] Augustine [of Hippo] calls the inner man, and the world of objects."[50]

In Touraine's view, modernity should be understood and defended as the increasing divorce and tension between rationalization and subjectivation, as a dialogue between reason and the subject that can only be broken off or terminated at the cost of destroying freedom itself. It is precisely the separation of subject and object, Touraine argues, which invalidates attempts to define the individual as an organ of the social body or a tool of divine will, and which guarantees the constitution of subjects and the extension of freedom as an insurmountable principle of action. In modernity: "The central ethical principle now becomes freedom. Freedom is a creativity which is its own end and which resists all forms of dependency."[51]

The contrast between Touraine and Habermas is sharp. Against Habermas' over-socialized concept of the individual, Touraine breaks with the equation of individuation with socialization and the assumption "that personal freedom can only be won by submitting to the laws of reason."[52] In view of Habermas' attraction to "the genetic structuralism of developmental psychology," [53] Touraine rejects the notion that ego-identity is the

47. Francis Jeanson, *Sartre and the Problem of Morality*, trans. Robert V. Stone (Bloomington: Indiana University Press, 1980), p. 216.
48. Alain Touraine, *Criti ue of Modernity*, tr. by David Macey (Oxford: Blackwell, 1995), p. 207.
49. *Ibid.*, p. 322.
50. *Ibid.*, p. 306.
51. *Ibid.*, p. 209.
52. *Ibid.*, p. 275.
53. Habermas, *op. cit.*, Vol. 2, p. 378.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

basis of autonomy. On the contrary, "only the destruction of the Ego permits the emergence of the I."[54] The shattering of the Ego reveals the discrepancy between the Self, which "exists within a world of communications," which "is the self-image the individual acquires through linguistic exchanges with others," and the Subject, which "exists at the center of the world of action, or in other words of the modification of the material and social environment."[55]

This Subject is not, as in most favorable descriptions of the liberated cultural consumer, someone preoccupied with maintaining a distinct lifestyle or self-consciously caring for self-identity. Freedom is an empty ideal if it is not expressed in concrete circumstances which articulate with and extend the physical, mental and cultural history of the person. This is why Touraine stresses "the two faces of the Subject," being both mind and body, freedom and history, a project and a memory, reason and desire. But Touraine's Subject is also "a dissident, a resistance fighter," someone struggling to transform the surroundings "by resisting the norms and forms of social organization through which the Self is constructed."[56]

"We hear the subject's demands in the testimony of the victims, the deported and the dissidents," Touraine continues, "and not in the moralizing discourses of those who speak of nothing but social integration. It is the gesture of refusal, of *resistance*, that creates the subject. It is the more restricted ability to stand aside from our own social roles, our non-belonging and our need to protest that allows each of us to live as a subject. And subjectivation is always the antithesis of socialization, of adaptation to a social role or status, provided that we do not become trapped into a counter-culture of subjectivity and provided that we commit ourselves to the struggle against the forces that actively destroy the subject."[57]

Instead of the symbolic reproduction of the lifeworld, then, there is the autonomy of individuals capable of emancipating themselves from patterns of socialization in order to transform their social and cultural environments in the name of freedom. Instead of "defending and restoring endangered ways of life,"[58] of guaranteeing the continuity of tradition and the preservation of group and ego identities, there is the goal of heightening the experience of oneself as a free and creative being. "It is

54. Touraine, *op. cit.*, p. 272.
55. *Ibid.*, pp. 166-7.
56. *Ibid.*, pp. 263-4.
57. *Ibid.*, p. 274.
58. Habermas, *op. cit.*, vol. 2, p. 392.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

by willing ourselves as Subjects," Touraine writes, "by transforming the individuality imposed on us by our biological being into a production of the I, or into *subjectivation*, that we come closest to the universal and therefore to modernity. And this self-production can only come about in and through the struggle against apparatuses, systems of cultural domination, and especially the State when it dominates culture as well as political and economic life . . . [I]t is the subject, and not the intersubjective, self-production and not communication, that provides the foundations for citizenship and gives democracy a positive content."[59]

It is the absence of this subject from Habermas' lifeworld which deradicalizes his social theory and divorces his formidable intellectual analysis from the critical understanding of the world that individuals may develop in the course of their own lived encounters with it. Touraine warns that "if sociology does not take the side of the subject against society, it is fated to be an ideological instrument promoting social integration and moralization, sometimes in a soft form, but sometimes in brutal form."[60] This is why existential phenomenology is important. It demonstrates that the lifeworld is only a lived world for an embodied subject, that the subject must also be a negation of this world if it is to be capable of liberating the body from the unnatural norms of culture and habit, and that this negativity of the subject, this burden of nihilating consciousness exiled from natural life, can only coincide with itself — can only assume itself authentically — by choosing itself as freedom, self-creation and resistance. Finally, this means that "the basis of criticism is not in theory but in the taste a lived experience of the world has for the person experiencing it."[61]

59. Touraine, *op. cit.*, p. 339.
60. *Ibid.*, p. 279.
61. Gorz, *Criti ue of Economic Reason* , *op. cit.*, p. 87.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

# *Carl Schmitt on* Nomos *and Space*

Wolfgang Palaver

Unlike in Europe, in the US Carl Schmitt remains relatively unknown. His involvement with the Nazis made him an outlaw in academic circles and prevented a proper evaluation of his work. Thus, only a few of his books and articles have been translated into English. Yet, Schmitt's work clearly influenced political realists such as Hans Morgenthau and Henry Kissinger.[1] Morgenthau dealt with Schmitt's *The Concept of the Political* in his doctoral dissertation and he even met Schmitt once. This meeting, however, was a disappointment. Although afterwards Morgenthau felt he had met "the most evil man alive," this did not prevent him from appreciating Schmitt's scholarly work. According to Morgenthau, Schmitt's account of international relations excelled "in originality and brilliance," and shed light on "the nature of guerilla warfare and the new aspects of international war."[2] Yet Schmitt's viewpoint is highly problematic and calls for solutions beyond his thinking. The following will focus on his work in international relations, especially his concept of *nomos* and the emphasis on the spatial dimension of international politics. This work has a religious side and is rooted in a specific political theology. A discussion of these theological premises may lead to modifications of some of his positions, such as his critique of universalism and his rejection of a unified world.

1. G. L. Ulmen, "Introduction," in *United States Foreign Policy at the Crossroads*, edited by G. Schwab (Westport, CN: Greenwood Press, 1982), p. xxvi; Alfons Söllner, "German Conservatism in America: Morgenthau's Political Realism," in *Telos* 72 (Summer 1987), pp. 161-172; Stanley Hoffmann, "The Case of Dr. Kissinger," in *The New York Review of Books*, vol. 27 (December 6, 1979), p. 22.

2. Hans J. Morgenthau, "Fragment of an Intellectual Autobiography: 1904-1932," in *Truth and Tragedy: A Tribute to Hans Morgenthau*, ed. by K. Thompson and R. J. Myers (Washington: The New Republic Book Company, 1977), pp. 15-16.



LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

***Nomos and Concrete-Order Thinking: A Total Concept of Law***

Schmitt was neither a pure decisionist nor a warmonger whose characterization of the political in terms of the distinction between friend and enemy prefigures nothing but war and destruction. His emphasis on extremes is not the result of decisionism, with its "risk of missing the stable content inherent in every great political movement,"[3] but follows from his endeavor to understand political life. Depending on political circumstances, Schmitt either stressed the need for decisions that create institutions and order from chaos, or the stability of institutions that prevent chaos and war. These different approaches are not contradictory. They are based on his political intuition about the complex relation between order and disorder. After Hitler came to power, Schmitt emphasized concrete-order thinking rather than decisionism. Thus, in November 1933, he pointed out that a third type of legal thinking had to be added to his former distinction between normativism and decisionism. "Whereas the pure normativist thinks in terms of impersonal rules, and the decisionist implements the good law of the correctly recognized political situation by means of a personal decision, institutional legal thinking unfolds in institutions and organizations that transcend the personal sphere."[4]

In 1934, Schmitt elaborated the relation between these three types of legal thinking and for the first time discussed the concept of *nomos*.[5] Contrary to the normativist tradition that interpreted Pindar's Νόμος βασιλεύς (*nómos basileús:* law as king) as the rule of law, Schmitt insists on a

3. Carl Schmitt, *Political Theology: Four Chapters on the Concept of Sovereignty*, tr. and introduction by G. Schwab, 2nd edition (Cambridge: MIT Press, 1988), p. 3.

4. *Ibid.*

5. Schmitt mentioned *nomos* for the first time in a lecture delivered October 3, 1933. He concluded this lecture with the remark that Hitler's will was the German people's *nomos*. Schmitt developed this concept in his 1934 work on *Über die Drei Arten des Rechtswissenschaftlichen Denkens*, 2nd edition (Berlin: Duncker & Humblot, 1993), p. 21, where he refers to Heraclitus' remark that following the will of one person is also a *nomos*. See Heraklit, Fragment 112 (= Diels 22, B 33) in *Die Vorsokratiker I*, Auswahl der Fragmente, Übersetzung und Erläuterungen von J. Mansfeld (Stuttgart: Philipp Reclam jun., 1983). Schmitt's justification of Hitler's murder of about 200 SA leaders and some conservatives on June 30, 1934 ("Night of the Long Knives"), follows this line of his thinking. August 1, 1934 he published a short article, "The Führer Protects the Law," in which he justified Hitler's action. See Carl Schmitt, "Der Führer schützt das Recht" (1934), in *Positionen und Begriffe im Kampf mit Weimar-Genf-Versailles 1923-1939*, 3rd edition (Berlin: Duncker & Humblot, 1994), pp. 227-232. See also Reinhard Mehring, *Carl Schmitt zur Einführung* (Hamburg: Junius, 1992), p. 107; Günter Meuter, *Der Katechon: Zu Carl Schmitts fundamentalistischer Kritik der Zeit* (Berlin: Duncker & Humblot, 1994), pp. 251-252; Andreas Koenen, *Der Fall Carl Schmitt: Sein Aufstieg zum "Kronjuristen des Dritten Reiches"* (Darmstadt: Wissenschaftliche Buchgesellschaft, 1995), pp. 610-611.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

broader meaning of *nomos*, including decisionist and institutional elements.[6] Accordingly, *nomos* does not mean law in the sense of rule or "*Gesetz*" but, rather, both decision and order. Pindar's identification of *nomos* and king gives him further evidence that *nomos* means much more than just a pure norm, because terms like king, ruler, or governor are always connected to a concrete institutional order. Schmitt thinks *nomos* means a "total concept of *law* that contains a concrete order and a community."[7] In this context, he also stresses the religious dimension of the *nomos*. He uses Hölderlin's interpretation of Pindar's fragment to show that the *nomos* has a foundation in God, while also expressing the people's internal truth.[8]

### *The Spatial Dimension of Nomos: Order and Location*

When the Nazis began to occupy foreign countries, Schmitt increasingly focused on the relation between space and international politics. On April 1, 1939, only two weeks after Hitler invaded Czechoslovakia, Schmitt introduced his concept of *Großraum* (large space) in a lecture at the University in Kiel. A German version of the Monroe Doctrine, the theory of *Großraum* clearly supported Hitler's imperialism. Yet it was not identical with the Nazi concept of *Lebensraum* (living space).[9] Schmitt focused primarily on geopolitical aspects, whereas the Nazis supported biological racism. Schmitt was mainly interested in space, whereas Nazi ideology was mainly concerned with blood.[10] Schmitt's focus on the spatial

---

6. Schmitt, *Arten*, *op. cit.*, pp. 12-13. See also his *Verfassungslehre*, 8th edition (Berlin: Duncker & Humblot, 1993), p. 142.

7. *Ibid.*, p. 14.

8. *Ibid.*, pp. 14-15. Cf. Friedrich Hölderlin, *Sämtliche Werke und Briefe*, ed. by M. Knaupp (Munich: Carl Hanser Verlag, 1992), Vol. II, pp. 381-382; Meuter, *Katechon*, *op. cit.*, pp. 148-149. Schmitt changed the meaning of Hölderlin's words in this quotation and missed Hölderlin's complex argument. In 1934, Schmitt praised Hölderlin's words about *nomos* as "eternally true." Years later, he criticized Hölderlin for translating *nomos* as "*Gesetz*." Schmitt distinguished between Hölderlin's *Gesetz*, which is linked to "mediation," and *nomos* as "immediacy." See Carl Schmitt, *Der Nomos der Erde im Völkerrecht des Jus Publicum Europaeum*, 3rd edition (Berlin: Duncker & Humblot, 1988), p. 42.

9. On the difference between *Großraum* and *Lebensraum*, see Schmitt's answer to the US prosecuting attorney at the Nuremberg Trials, Robert Kempner, who asked whether Schmitt's concept of *Großraum* provided the theoretical foundation for Hitler's expansionist policies. See Carl Schmitt, "Response to the question: 'To what extent did you provide the theoretical foundation for Hitler's *Grossraum* policy?'," in *Telos* 72 (Summer 1987), pp. 107-116.

10. See Joseph W. Bendersky, *Carl Schmitt: Theorist for the Reich* (Princeton, NJ: Princeton University Press, 1983), pp. 252-253; Dan Diner, *Weltordnungen: Über Geschichte und Wirkung von Recht und Macht* (Frankfurt am Main: Fischer Taschenbuch Verlag, 1993), pp. 113-114.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

dimension of international politics was not inextricably tied to Nazi politics but continued after the war and became increasingly more elaborate.

Here, in order to follow Schmitt, it is useful to clarify his concept of *nomos*.[11] With his shift to geopolitical questions, he also emphasized the *spatial* character of *nomos*. In *Land und Meer* (1942), he referred for the first time to the relation between space and *nomos* by emphasizing the historical and geopolitical difference between land and sea.[12] These insights concerning the spatial dimension of *nomos* were later systematized in *Der Nomos der Erde (*1950). According to Schmitt, *nomos* no longer contains only a concrete order and a community, but is the unity of order and location (*Ordnung und Ortung*). "The great primal acts of law . . . remain earthbound locations (orientations). These are land appropriations, the founding of cities and colonies."[13] By deriving *nomos* from *nemein* (to distribute), he emphasizes the importance of land appropriations as constitutive acts for concrete orders.[14] Schmitt cites Heraclitus' identification of *nomos* and wall, points to the sacred location of walls, and hints at the spatial dimension in Heraclitus' fragment about the different human *nomoi* nourished by the godlike *nomos*.[15] Another important example is the *Respublica Christiana* in the Middle Ages. Thus, he refers to the meaning of *Friede* (peace), which originally was not an abstract, uprooted term, but had a clear territorial dimension, as can be seen in words such as "*Reichsfrieden*, *Landfrieden*, *Kirchenfrieden*, *Stadtfrieden*, *Burgfrieden*, *Marktfrieden*, *Dingfrieden*," to emphasize the importance of location in the Middle Ages.[16] According to Schmitt, peace and law are based on spatial enclosures (*Hegungen im räumlichen Sinne*).[17]Schmitt also quotes an article by Jost Trier to show that the word *nomos* itself refers to such a spatial enclosure: "Every *nomos* is what it is, inside its surrounding

---

11. See G. L. Ulmen, "The Concept of Nomos: Schmitt's 'Appropriation/Distribution/Production'," in *Telos* 95 (Spring 1993), pp. 39-51.

12. Carl Schmitt, *Land und Meer: Eine weltgeschichtliche Betrachtung*, 3rd edition (Stuttgart: Klett-Cotta, 1993), p. 71.

13. Schmitt, *Nomos der Erde*, *op. cit.*, p. 15.

14. *Ibid.*, pp. 39-40.

15. *Ibid.*, p. 40. Cf. Heraklit, Fragment 111 (= Diels 22, B 44) and Fragment 110 (= Diels 22, B 114) in *Vorsokratiker I*, *op. cit.*

16. *Ibid.*, p. 28. Cf. Carl Schmitt, *Völkerrechtliche Großraumordnung mit Interventionsverbot für raumfremde Mächte: Ein Beitrag zum Reichsbegriff im Völkerrecht*, reprint of the 4th edition from 1941 (Berlin: Duncker & Humblot 1991), pp. 81-82.

17. Schmitt, *Nomos der Erde*, *op. cit.*, p. 44. Cf. Reinhardt Knodt, "Der Nomos der Erde — Eine Betrachtung zum Raumbegriff bei Carl Schmitt," in *Philosophisches Jahrbuch* 98 (1991), p. 326.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

fence."[18] Schmitt concludes that: "The enclosing ring, the fence formed by men, the men-ring, is an original form of the cultic, legal and political living together."[19]

Schmitt continued his inquiry into the original meaning of *nomos* in 1953, when he distinguished between three different meanings:[20] 1) The first meaning is "to take" or "to appropriate." Land appropriations always come first. Thus, he refers to the biblical stories of the appropriation of the land of Canaan by the Israelites in Numbers 34:13 and Joshua 11:23.[21] Another example is the *Conquista*, the acquisition of land in Latin America, which Schmitt considers to be the European's last heroic deed.[22] 2) The second meaning is "to divide" or "to distribute." Schmitt refers to *teilen* and mentions Hobbes' identification of *nomos* and distribution as an example.[23] This second meaning of *nomos* also helps understand socialism. According to Schmitt, the social question is "fundamentally a question of proper division and distribution."[24] Thus, socialism is above all "a doctrine of redistribution." 3) The third meaning is "to produce" (*weiden*). In this connection, Schmitt refers to Abraham's and Lot's searching for pasture and their tending of animals, to Cincinnatus' plowing of his field, to the shoemaker Hans Sachs at work in his shop, and to the industrial work of Friedrich von Krupp in his factory.[25] This third meaning of *nomos* illustrates the similarity of liberalism and Marxism, which can both be characterized as ideologies focusing on production, leaving questions of appropriation and distribution aside.

---

18. Jost Trier, "Zaun und Mannring," in *Beiträge zur Geschichte der Deutschen Sprache und Literatur* 66 (1942), p. 232.
19. Schmitt, *Nomos der Erde*, *op. cit.*, p. 44.
20. Carl Schmitt, "Appropriation/Distribution/Production: Toward a Proper Formulation of Basic Questions of Any Social and Economic Order (1953)," in *Telos* 95 (Spring 1993), pp. 52-64.
21. Schmitt, *Nomos der Erde*, *op. cit.*, p. 49; *idem*, "Appropriation/Distribution/Production," *op. cit.*, p. 57. Numbers 34:13: "Moses commanded the Israelites, saying: this is the land that you shall inherit by lot, which the Lord has commanded to give to the nine tribes and to the half-tribe." — Joshua 11:23: "So Joshua took the whole land, according to all that the Lord had spoken to Moses; and Joshua gave it for an inheritance to Israel according to their tribal allotments."
22. Carl Schmitt, "Nomos — Nahme — Name," in *Staat, Großraum, Nomos: Arbeiten aus den Jahren 1916-1969*, edited by G. Maschke (Berlin: Duncker & Humblot, 1995), p. 585; *Nomos der Erde*, *op. cit.*, pp. 70-71, 82-83.
23. Schmitt, "Appropriation/Distribution/Production," *op. cit.*, p. 55. See also Thomas Hobbes, *Leviathan*, ed. with an introduction by C. B. Macpherson (Harmondsworth, England: Penguin Books, 1984), chap. 24, p. 296.
24. Schmitt, "Appropriation/Distribution/Production," *op. cit.*, pp. 59-60.
25. *Ibid.*, p. 55.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

### *Schmitt on International Relations: The Nomos of the Earth*

Schmitt's concept of *nomos* is especially relevant for international relations. According to him, one can view the earth as a whole and reflect on its spatial order, the *nomos* of the earth. Focusing on the historical development of this spatial order, he distinguishes different *nomoi*. The first lasted until the 16th century.[26] It was a pure terrestrial *nomos*, preceding the global era. During this time, every great empire saw itself as the center of the world and its own space as a house of peace, whereas the outside world was identified with war, barbarity, and chaos.

The second *nomos* began with the opening of the oceans, the circumnavigation of the earth, the discovery of America, and the *Conquista*.[27] It was still Eurocentric, because European nations discovered and conquered the new world but, contrary to the first *nomos,* the oceans were part of it. Therefore, the second *nomos* was a global one. Although the sea was part of this *nomos*, there was a clear distinction between land and sea. This second *nomos* was based on a double equilibrium: a balance between land and sea, and a balance on the European continent. England dominated the sea after it defeated all rivals, whereas on the European continent there was a balance of land powers. Schmitt ultimately disapproved of this global *nomos* dominated by England. According to him, England was not only the primal power that caused the transformation from the first to the second *nomos*, it also indirectly paved the way to the dislocations and disorientations typical of modern technology.[28] This second *nomos* lasted until WWI.

The Eurocentric *nomos* was destroyed by WWI. In 1954, during the Cold War, Schmitt was thinking about a future *nomos* of the earth. The Cold War division of the earth into East and West seemed too fragile and indeterminate to constitute a stable world order. Although land and sea were important factors contributing to the division between East and West

---

26. Schmitt, "Der neue Nomos der Erde" (1955), in *Staat, Großraum, Nomos*, *op. cit.*, p. 518.

27. *Ibid.*, p. 519. See also *Land und Meer*, *op. cit.*, p. 86. Because this second *nomos* was the first global *nomos*, in *Der Nomos der Erde*, p. 19, Schmitt discusses it as the first *nomos* of the earth.

28. Schmitt, *Nomos der Erde*, *op. cit.*, pp. 149-150. As an example, he refers to Thomas More's book *Utopia*, whose title had anticipated the possibility of a total dislocation two generations before the appropriation of the sea began. According to Schmitt, *Utopia* is the strongest possible negation of topos and location. This general anti-utopianism stems from his insight into the hostility of utopian thinking to space and location. *Ibid.*, p. 36. See also "Staatliche Souveränität und freies Meer" (1941), in *Staat, Großraum, Nomos*, *op. cit.*, pp. 408, 410, 424-425; *Glossarium: Aufzeichnungen der Jahre 1947-1951*, ed. by E. v. Medem (Berlin: Duncker & Humblot, 1991), pp. 46-48, 55, 83-85, 94-97.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

— the East was an enormous mass of land, whereas the West included both the Atlantic and the Pacific Ocean — it was no longer possible to reestablish the old balance of the second *nomos*. Technological developments had fundamentally changed the world by depriving the sea of its elemental character and adding a third element: air space.

Schmitt foresaw three possibilities of a new *nomos*.[29] The first was a complete victory of one of the superpowers over the other. This would create a unity consistent with the technical view of the world. Schmitt, however, was very skeptical about the likelihood of such a development. Human nature and some remaining influence of the elemental forces of land and sea would lead to the self-destruction of the technological process rather than to a united world. The rejection of this first possibility was essentially the consequence of his anti-universalist standpoint. Throughout his life, Schmitt feared nothing more than a unified world. Thus, the concept of *Großräume* was explicitly meant as a rejection of universalism.[30] His reaction to Alexandre Kojève's views about the end of history best exemplifies his anti-universalist attitude. In a 1957 lecture, Kojève used the expression "bestowing capitalism" to describe the emerging new *nomos* of a unified world of production that would neither need appropriation nor distribution. In his answer to Kojève, Schmitt rejected such a world as an attempt at human self-deification: "Only a god who has created the world from nothing can give without taking, and then only in terms of this world which he has created from nothing."[31] Schmitt's anti-universalism even led him to a positive evaluation of Mao Zedong and his Chinese partisans.[32] Compared to other Marxist thinkers committed to the idea of "One World," Mao was more in favor of a telluric worldview and is, according to Schmitt, much closer to a pluralistic *nomos* of the earth.

---

29. Schmitt, "Der neue Nomos der Erde," *op. cit.*, pp. 521-522. Cf. also Carl Schmitt, *Land und Meer*, *op. cit.*, pp. 103-107; "Die Einheit der Welt" (1952), in *Staat, Großraum, Nomos*, *op. cit.*, pp. 496-512.

30. Carl Schmitt, "Großraum gegen Universalismus (1939)," in *Positionen und Begriffe*, *op. cit.*, pp. 335-343; "Die letzte globale Linie (1943)," in *Staat, Großraum, Nomos*, *op. cit.*, p. 447.

31. Schmitt, "Nehmen/Teilen/Weiden (1953)," in *Verfassungsrechtliche Aufsätze aus den Jahren 1924-1954: Materialen zu einer Verfassungslehre*, 3rd edition (Berlin: Duncker & Humblot, 1985), p. 504; "Nomos - Nahme - Name," *op. cit.*, p. 581. Cf. G. Ulmen, "Concept," *op. cit.*, p. 50. On the relationship between Kojève and Schmitt, see Martin Meyer, *Ende der Geschichte?* (Munich: Carl Hanser Verlag, 1993), pp. 147-163.

32. Carl Schmitt, *Theorie des Partisanen: Zwischenbemerkung zum Begriff des Politischen*, 3rd edition (Berlin: Duncker & Humblot, 1992), pp. 58-65. Cf. "Gespräch über den Partisanen — Carl Schmitt und Joachim Schickel," in *Staat, Großraum, Nomos*, *op. cit.*, pp. 634-636.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Against all tendencies toward world unification, Schmitt was looking for a new *nomos* based on equilibrium. As a second possibility, he therefore considered the adaptation of the former *nomos* of the earth with its balance of land and sea to the world of modern technology. This would mean that the US would replace England as the dominating power by its ability to control both sea and air. This possibility was not totally unrealistic, although he did not favor it and hoped for a third possibility, i.e., a new *nomos* of the earth based on the equilibrium of several independent large blocs — a new pluralism of *Großräume*. Schmitt thought such a *nomos* would make sense if blocs could be separated from each other and there was a just order inside each *Großraum*. Schmitt concluded his article on the new *nomos* by quoting Hölderlin: "But the coming . . . is not only boundlessness or a nothingness hostile to the *nomos*. Just measures can emerge and reasonable proportions can be formed in the bitter struggle between old and new forces, too. *There are gods and they reign, great is their measure.*"[33]

### *The Religious Dimension of Nomos: Anti-Semitism and Territoriality*

The religious dimension of Schmitt's concept of *nomos* is more important than these scattered remarks suggest. His references to Pindar and Heraclitus show that his reconstruction of the original meaning of *nomos* goes back to its religious roots. This is unusual in modern political philosophy, which often denies this religious origin. Thus, along with Schmitt, Hannah Arendt also stressed the spatial dimension of *nomos*.[34] She mentions Heraclitus' identification of wall and law and points at further interesting insights.[35] In *The Human Condition*, she even refers to the fact that the "wall-like law was sacred." In *On Revolution*, however, she wrongly maintains that "neither the Greek *nomos* nor the Roman *lex* was

33. Schmitt, "Der neue Nomos der Erde," *op. cit.*, p. 522. See also *Land und Meer*, *op. cit.*, p. 107. Schmitt also concluded a 1942 article with the same verses by combining them, however, with the hope that Hitler's *Reich* would be the beginning of a new order. See Schmitt, "Die Formung des französischen Geistes durch den Legisten (1942)," in *Staat, Großraum, Nomos*, *op. cit.*, p. 210. The concluding verses are a quotation from the second version of Friedrich Hölderlin's poem "The Wanderer," which allude to a fragment from Heraclitus. See F. Hölderlin, *Sämtliche Werke und Briefe*, *op. cit.*, Vol. I, p. 305; Heraklit, Fragment 126 (= Diels 22, A9). See also Meuter, *op. cit.*, p. 468.

34. Hannah Arendt, *The Human Condition* (Chicago: The University of Chicago Press, 1974), 9th edition, pp. 63-64; and *On Revolution* (Harmondsworth: Penguin Books, reprint 1990), pp. 186-187, 275, 281.

35. Arendt, *Human Condition*, *op. cit.*, p. 64: "The word *polis* originally connoted something like a 'ring-wall,' and it seems the Latin *urbs* also expressed the notion of a 'circle' and was derived from the same root as *orbis*. We find the same connection in our word 'town,' which originally, like the German *Zaun*, meant a surrounding fence."

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

of divine origin . . . The very word nomos which, apart from its etymological significance, receives its full meaning as the opposite of *physis* or things that are natural, stresses the 'artificial,' conventional, man-made nature of the laws."[36] According to Schmitt, this opposing of *nomos* and *physis* is already the result of the destruction of the original meaning by sophism.[37] Where Schmitt talks about the origin of *nomos*, he clearly maintains that it constituted the political, social *and* religious order. *Nomos* was originally a "sacred location"[38] and religion was essential to contain the fatal consequences of the destruction of the original meaning of *nomos*.[39] When the Sophists destroyed the original meaning by contraposing *nomos* to *physis* and then made it indistinguishable from mere prescriptions, this philosophical attitude did not become widespread because of the people's pagan religion. Later on, Christianity continued this opposition. According to Schmitt, positivism could only rise again after Christianity had lost its importance. It is the result of the atheistic 19th century. Schmitt also emphasized the close connection between religion and territoriality. In his postwar notes he wrote that "God is dead means: space is dead."[40] Religion will also play an important role in the new and pluralistic *nomos* of the earth. When in 1962 he lectured on the future world order, he claimed that in view of the dominance of modern technology all *Großräume* would be a function of the spiritual substance of those people who help create this new order. Beside culture, race, language and national heritage it is religion that will contribute to this spiritual substance.[41]

This is the positive side of Schmitt's view of the relation between religion and *nomos*. There is, however, an even more important negative side.

---

36. Arendt, *Revolution*, *op. cit.*, p. 186. For a similar position, see Cornelius Castoriadis, *Philosophy, Politics, Autonomy: Essays in Political Philosophy*, edited by D. A. Curtis (New York: Oxford University Press, 1991), p. 38. On the religious origin of *nomos*, see Numa Denis Fustel de Coulanges, *The Ancient City: A Study on the Religion, Laws, and Institutions of Greece and Rome*, first published in French in 1864, tr. by Willard Small in 1873 (New York: Doubleday, 1956), pp. 186-193; Christian Meier, *Die Entstehung des Politischen bei den Griechen*, 3rd edition (Frankfurt am Main: Suhrkamp, 1995), pp. 306; Massimo Cacciari, *Gewalt und Harmonie: Geo-Philosophie Europas*, tr. by G. Memmert (Munich: Carl Hanser Verlag, 1995), pp. 108-112.

37. Schmitt, *Nomos der Erde*, *op. cit.*, pp. 38, 40, 44-45; "Appropriation/Distribution/Production," *op. cit.*, p. 53; *Verfassungsrechtliche Aufsätze*, *op. cit.*, pp. 427, 502; "Nomos — Nahme — Name," *op. cit.*, pp. 578.

38. Schmitt, *Nomos der Erde*, *op. cit.*, pp. 40, 47.

39. *Ibid.*, pp. 40, 44-45.

40. Schmitt, *Glossarium*, *op. cit.*, p. 187.

41. Schmitt, "Die Ordnung der Welt nach dem Zweiten Weltkrieg," in *Staat, Großraum, Nomos*, *op. cit.*, p. 608.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Throughout Schmitt's work, his critique of legal positivism is that it always equates *nomos* with *Gesetz* and therefore reduces law to mere prescription. Legal positivism results in a type of law connected to no concrete order or spatial orientation. According to Schmitt, Judaism is the primary cause of this typical modern development.[42] When he began to write on concrete-order thinking in 1934, he indirectly referred to Judaism by distinguishing between those people who exist only through *Gesetz* (law) but without soil, state, or church, and people whose existence is based on concrete-order thinking.[43] According to Schmitt, the Jewish mode of existence led directly to normativism, whereas Germanic thinking in, e.g., the Middle Ages, was characterized by its rootedness in a concrete order. Schmitt's anti-Semitism became even more explicit when he turned to the spatial dimension of *nomos*. He criticized contemporary international law for neglecting spatial order and supporting empty legal positivism. Though he conceded that legal thought at the time included a theory of space, he criticized this theory for its detachment from any concrete concept of space.[44] It subsumed land, soil, territory, and national territory under the same space, without further distinctions. Space was an empty geometrical concept referring solely to bordered areas. It is not an accident that two of the authors he mentioned as representatives of this type of legal thinking were Jews. At the end of the same book, Schmitt directly accused Jewish thinkers for their contribution to the development of legal thinking hostile to a concrete concept of space: "Jewish authors . . . helped advance the empty idea of space."[45] He mentioned jurists such as Rosin, Laband, Jellinek, Nawiasky, and Kelsen, as well as Georg Simmel. "The Jewish people's peculiar distaste for everything related to soil, land, and territory has its roots in its kind of political existence. The relation of a people to the soil formed by its own settlement and cultural work and to the resulting forms of power is incomprehensible for a Jew. . . . Of course, these Jewish

42. Raphael Gross, "Carl Schmitts 'Nomos' und die Juden," in *Merkur* 47 (1993), pp. 410-420.

43. Schmitt, *Arten*, *op. cit.*, p. 9. Schmitt continued to see Judaism as the primary source of modern positivism even after WWII. In his private notes *Glossarium*, *op. cit.*, he wrote that "the categorical imperative is indeed law for the sake of law. Judaism post christum natum" (p. 57) or noted the following equation: "Positivity = legality = Judaism = despotism = spasm of ought and the norm" (p. 209).

44. Schmitt, *Großraumordnung*, *op. cit.*, p. 16.

45. *Ibid.*, p. 78. Hans Kelsen is one of the authors Schmitt criticized regarding his theory of space. See Hans Kelsen, *Das Problem der Souveränität und die Theorie des Völkerrechts: Beitrag zu einer reinen Rechtslehre* (Tübingen: Verlag von J.C.B Mohr [Paul Siebeck], 1920), pp. 70-76.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

authors have as little to do with the previous theory of space as they had with the creation of anything else. Here, however, they were also an important force in the dissolution of concrete territorially-determined orders."[46]

Schmitt's position is clearly anti-Semitic, but this label does not help understand his approach. His anti-Semitism is not based on racism, but on his concept of space. While some passages clearly show racist tendencies, they are not central. Schmitt focuses on soil, not on blood, and his concept of international law is geopolitical in character and not based on racist theory. Schmitt did not criticize Judaism in general, but distinguished clearly between pre-exilic and post-exilic Judaism. Whereas the post-exilic concept of *nomos* tended toward normativism, the pre-exilic *nomos* was based on land appropriation and land division.[47] He is especially critical of Philo's identification of *nomos* with the post-exilic law.

Along with his differentiated view of Judaism, Schmitt also distinguishes between different Christian traditions with regard to space and soil. Already in 1923, he maintained that Catholic nations differed from Protestant ones in their relation to the soil.[48] According to Schmitt, there is no famous Catholic emigration because Catholic emigrants, such as the Irish, the Poles, the Italians, or the Croats, have never lost their longing for home. On the contrary, Protestants, such as the Huguenots or European Puritans seem to be able to live on every soil without, however, becoming rooted. "Roman Catholic nations seem to love the soil, the maternal earth, very differently: all have their *terrisme*."[49]

When Schmitt turned to the geopolitical difference between land and sea some twenty years later, he once again distinguished between Catholics and Protestants.[50] Accordingly, Calvinism was the appropriate religion for

46. *Ibid.*, pp. 78-79. When, during his Nuremberg interrogation, Schmitt was asked about this, he claimed that this passage was in "its intent, method, and formulation a pure diagnosis." Cf. "Interrogation of Carl Schmitt by Robert Kempner (I)," in *Telos* 72 (Summer 1987), p. 100.

47. Schmitt, "Appropriation/Distribution/Production," *op. cit.*, p. 53; "Nehmen/Teilen/Weiden," *op. cit.*, p. 502; "Die Lage der europäischen Rechtswissenschaft," in *Verfassungsrechtliche Aufsätze*, *op. cit.*, p. 427; "Nomos — Nahme — Name," *op. cit.*, pp. 579-580; *Politische Theologie II: Die Legende von der Erledigung jeder Politischen Theologie* (Berlin: Duncker & Humblot, 1970), p. 112. Here Schmitt cites Martin Noth, "Die Gesetze im Pentateuch: Ihre Voraussetzungen und ihr Sinn (1940)," in *Gesammelte Studien zum Alten Testament*, 3rd edition (München: Chr. Kaiser Verlag, 1966), pp. 9-141.

48. Carl Schmitt, *Römischer Katholizismus und politische Form*, reprint of the 2nd edition (Stuttgart: Klett-Cotta, 1984), pp. 17-18.

49. *Ibid.*, p. 18.

50. Schmitt, *Land und Meer*, *op. cit.*, pp. 41, 52-53, 78-85, 102. See also "Gespräch über den Neuen Raum," in *Staat, Großraum, Nomos*, *op. cit.*, p. 562.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

those European maritime forces that led to the opening of the oceans and resulted in England becoming the dominant sea power. France missed the chance of becoming a great maritime power because of its 1572 decision to side with Catholicism, against the Huguenots — a decision between land and sea. This is also true for Catholic Spain, which, despite its conquest of South America, remained terrestrial and did not become a sea power. Unlike Calvinism, Lutheran Protestantism in Germans also favored territoriality and was one of the many factors that led Germany to remain a land power.

Throughout his life, Schmitt sided with Catholicism and its close connection to the soil. It would be superficial, however, to label his position Catholic. He is a *Roman* Catholic. Thus, in *The Crisis of Parliamentary Democracy* (1923), he betrayed his sympathy for Mussolini, Fascist Italy, and the power of a nationalist myth. In this connection, he talked about the "apparently more typical *terrisme* of the celtic and romance people" that contributed to a national consciousness.[51] His sympathy with Rome continued after the war. In his private notes, on September 30, 1950, he described himself in regard to his exiled type of legal thinking as a representative of Rome: "*Rome n'est plus dans Rome, elle est toute ou je suis.*"[52] At about the same time, he increasingly emphasized the deep connection between Rome and space. His private notes from July 6, 1951 read as follows: "*Raum* [space] is the same word as *Rom* [Rome]. Therefore the hatred of the word *Raum*, this hatred is only a transferred anti-Roman affect."[53] In the same year, Schmitt published an article dealing with the close etymological relation between *Raum* and *Rom*. "I am sure that *Raum* and *Rom* is the same word."[54] Schmitt's Catholicism is therefore not so much a Roman

51. Carl Schmitt, *Die geistesgeschichtliche Lage des heutigen Parlamentarismus*, 6th edition (Berlin: Duncker & Humblot, 1985), p. 88; English translation: *The Crisis of Parliamentary Democracy*, tr. by Ellen Kennedy (Cambridge: MIT Press, 1988), p. 75.

52. Schmitt, *Glossarium*, *op. cit.*, p. 310. According to Ernst Niekisch, already during the Weimar Republic Schmitt regarded himself a Roman: "I am a Roman by origin, tradition, and right." See Richard Faber, "Carl Schmitt, der Römer," in B. Wacker, ed., *Die eigentliche katholische Verschärfung . . . Konfession, Theologie und Politik im Werk Carl Schmitts* (Munich: Wilhelm Fink Verlag, 1994), p. 259. See also Nicolaus Sombart, *Jugend in Berlin 1933-1943: Ein Bericht* (Frankfurt: Fischer Taschenbuch Verlag, 1991), p. 252.

53. Schmitt, *Glossarium*, *op. cit.*, p. 317.

54. Carl Schmitt, "Raum und Rom — Zur Phonetik des Wortes Raum," in *Staat, Großraum, Nomos*, *op. cit.*, p. 491. See also Mathias Eichhorn, *Es wird regiert! Der Staat im Denken Karl Barths und Carl Schmitts in den Jahren 1919 bis 1938* (Berlin: Duncker & Humblot, 1994), pp. 72-79.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Catholicism in the general sense but one rooted in ancient pagan Rome. Thus, the medieval *Respublica Christiana* with its concrete order is the Christian continuation of an ancient location or orientation. Along with the ancient Roman Empire, it is rooted in Rome and its soil.[55]

This characterization of Schmitt as a Roman thinker helps explain his peculiar anti-Semitism. He represents a "Roman" type of anti-Semitism, similar to those fascists among Mussolini's supporters who rejected early Christianity as a Jewish development and called their own Catholicism "*una cosa romana*" ("a Roman thing").[56] Reminiscent of Italian fascism which, according to Hermann Heller, was the "grafting of Catholicism on to the ancient pagan state," Schmitts Catholicism is a form of Christianity that rejects its roots in Judaism in favor of pagan foundations. From that perspective, Protestantism is closer to Judaism and not sufficiently pagan.

### *Schmitt's Political Theology: The Katéchon Restraining the Antichrist*

Schmitt's view of international relations is based on a specific political theology. Throughout his life, he saw a unified world as the reign of the Antichrist, a Kingdom of Satan, or the attempt to build the Tower of Babel.[57] The reign of the Antichrist would be a unified and centralized world without war, politics, states or *Großräume*. It would create "peace and security" in the

---

55. Schmitt, *Nomos der Erde*, *op. cit.*, pp. 28-29.

56. Hermann Heller, "Europa und der Fascismus," in *Gesammelte Schriften* (Leiden: A.W. Sijthoff, 1971), Vol. II, pp. 518-519. See also Meuter, *Katechon*, *op. cit.*, pp. 201-210; Richard Faber, "Es gibt einen antijüdischen Affekt: Über Carl Schmitts 'Glossarium'," in *Zeitschrift für Religions — und Zeitgeschichte* 46 (1994), pp. 70-73; Wolfgang Palaver, "Hobbes and the Katéchon: The Secularization of Sacrificial Christianity," in *Contagion* 2 (Spring 1995), pp. 69-70; "Die Politische Theologie des Großinquisitors: Bemerkungen zu Heinrich Meiers Buch 'Die Lehre Carl Schmitts'," in *Zeitschrift für Katholische Theologie* 118 (1996), pp. 43-46.

57. Carl Schmitt, *Theodor Däublers "Nordlicht": Drei Studien über die Elemente, den Geist und die Aktualität des Werkes* (München: Müller, 1916; reprint, Berlin: Duncker & Humblot, 1991), pp. 60-62; *Political Theology*, *op. cit.*, pp. 63-65; *Römischer Katholizismus*, *op. cit.*, p. 26; *Political Romanticism*, tr. by Guy Oakes (Cambridge: MIT Press, 1986), p. 16; "The Age of Neutralizations and Depoliticizations (1929)," in *Telos* 96 (Summer 1993), p. 141; "The Plight of European Jurisprudence," in *Telos* 83 (Spring 1990), p. 70; *Donoso Cortés in gesamteuropäischer Interpretation: Vier Aufsätze* (Cologne: Greven Verlag, 1950), p. 11; *Glossarium*, *op. cit.*, pp. 12, 165; "Die Einheit der Welt," *op. cit.*, p. 496; "Nomos — Nahme — Name," *op. cit.*, p. 584; *Politische Theologie II*, *op. cit.*, pp. 46, 81. See also Heinrich Meier, *Carl Schmitt and Leo Strauss: The Hidden Dialogue*, translated by J. H. Lomax (Chicago: The University of Chicago Press, 1995); *Die Lehre Carl Schmitts: Vier Kapitel zur Unterscheidung Politischer Theologie und Politischer Philosophie* (Stuttgart: Verlag J.B. Metzler, 1994), pp. 45-47, 168, 249; and Meuter, *Katechon*, *op. cit.*, pp. 260-265.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

sense of 1 Thess 5:3, which was, according to medieval Christianity, the sign of the reign of the Antichrist that ultimately results in destruction.[58]

Following medieval Christianity, Schmitt hoped for a *katéchon* to prevent the satanic unification of the world. When he uses the term *katéchon*, Schmitt is referring to 2 Thess 2:6-7 and a particular political interpretation of this passage that identifies the Roman Empire with the *katéchon*.[59] He himself identified several embodiments of the *katéchon* throughout history: Byzantium, the Holy Roman Empire, the Emperor Rudolf II, Savigny, Hegel, the British Empire, the Emperor Franz Joseph, the Czechoslovak President Masaryk, Marshall Pilsudski, the Jesuits and the Catholic Church.[60] According to Schmitt, there has always been a *katéchon* since the beginning of the Christian era. Thus, in 1947, he asked himself who or what was the *katéchon* at the time.[61] While neither Churchill nor John Foster Dulles seemed to fulfill such a role, he could not come up with a concrete answer. Apparently, having supported Hitler and National Socialism as a kind of *katéchon*, Schmitt did not want to become involved in concrete politics once again.[62] His greatest failure had been to think that Hitler was a *katéchon* able to prevent the coming of a destructive world state. Far too late did Schmitt realize that his support of Hitler was actually serving the Antichrist. Despite this disappointment, he did not lose faith in the *katéchon* after the war, but he discussed it in connection with the development of a new *nomos*.

This new *nomos* of the earth, the plurality of *Großräume*, becomes the

58. 1 Thess 5:3: "When they say, 'There is peace and security,' then sudden destruction will come upon them, as labor pains come upon a pregnant woman, and there will be no escape." See *Der Antichrist: Der staufische Ludus de Antichristo*, kommentiert von G. Günther (Hamburg: Friedrich WittigVerlag, 1970), pp. 155 (verse 414), 234-235; Carl Schmitt, *Der Begriff des Politischen*, 3rd edition (Hamburg: Hanseatische Verlagsanstalt, 1933), p. 36; *Glossarium*, *op. cit.*, pp. 94-95.

59. 2 Thess 2:6f: "And you know what is now restraining him [the lawless one], so that he may be revealed when his time comes. For the mystery of lawlessness is already at work, but only until the one who now restrains it is removed." (NRSV) Cf. Wolfgang Palaver, "Order out of Chaos in the Theories of Carl Schmitt and René Girard," in *Synthesis*, vol. 1, no. 1 (Spring 1995), pp. 100-106; "Hobbes and the Katéchon," *op. cit.*, pp. 57-74.

60. Carl Schmitt, "Beschleuniger wider Willen oder: Problematik der westlichen Hemisphäre (1942)," in *Staat, Großraum, Nomos*, *op. cit.*, pp. 431-440; *Land und Meer*, *op. cit.*, pp. 19, 80; *Nomos der Erde*, *op. cit.*, pp. 28-32, 55; *Ex Captivitate Salus: Erfahrungen der Zeit 1945/47* (Cologne: Greven Verlag, 1950), p. 31; "Drei Stufen historischer Sinngebung," in *Universitas* 5 (1950), pp. 929-930; *Glossarium*, *op. cit.*, pp. 12, 31, 63, 70, 80, 113, 113, 125, 147, 153, 165, 253, 272, 273; *Verfassungsrechtliche Aufsätze*, *op. cit.*, pp. 385, 428-429; *Politische Theologie II*, *op. cit.*, pp. 61-62, 81.

61. Schmitt, *Glossarium*, *op. cit.*, p. 63.

62. On the *katéchontic* role of Hitler and National Socialism in Schmitt's thinking, see Lutz Berthold, "Wer hält zur Zeit den Satan auf? — Zur Selbstglossierung Carl Schmitts," in *Leviathan* 21 (1993), p. 296; Meyer, *Ende*, *op. cit.*, p. 144; Meier, *Lehre*, *op. cit.*, p. 226.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

*katéchon* that holds back the unified world of the Antichrist. To some extent, a pluralistic world resembles anarchic chaos. In this specific sense, however, anarchy is not a threat but a remedy. It has to fulfill the role of the *katéchon*. It is nihilism rather than anarchy that must be contained. "Anarchic chaos is better than nihilistic centralization. One can recognize the *katéchon* by the fact that he does not strive for world-unity."[63]

### *A Theological Critique of Schmitt's Concept of Nomos*

Schmitt's political theology, especially his concept of the *katéchon*, is ambiguous. The *katéchon* is both poison and antidote. As a restrainer, it is a means to prevent destruction. At the same time, however, it is also destructive. It uses some anarchy or violence in order to prevent its total outbreak. Thus, a *katéchontic* solution always risks causing more harm than good. From this viewpoint, Schmitt's support of Hitler as a *katéchontic* force against the dangers of the modern world is not so much a result of opportunism or of a commitment to Nazism, but of his eschatology. When he sided with the Nazis after they came to power, he viewed them as the necessary *katéchontic* force to prevent the destruction of Germany.

This ambiguity of the concept of the *katéchon* is part of the ambiguity of religion as the primitive sacred. In order to understand Schmitt's political thinking and his specific political theology, his work must be interpreted from the perspective of the primitive sacred, going back to some mythical roots. Such an interpretation is not foreign to his way of thinking. When he was working on *Der Nomos der Erde*, it became clear to him that it is important for legal thinking to be aware of its mythical roots. In the introduction to this book, he referred to Johann Jakob Bachofen to emphasize the close connection between jurisprudence and its mythical sources.[64]

63. Schmitt, *Glossarium*, *op. cit.*, p. 165 (note from June 16, 1948). On the opposition between anarchy and centralizing nihilism, see his *Donoso Cortés*, *op. cit.*, pp. 9-10; *Nomos der Erde*, *op. cit.*, pp. 26, 36, and 158-159. Schmitt mentions the League of Nations and its universalism as an example of such a nihilistic attempt that ultimately led to "spatial chaos" (*ibid.*, p. 231).

64. Schmitt, *Der Nomos der Erde*, *op. cit.*, pp. 5-6. In "The Plight of European Jurisprudence," *op. cit.*, p. 60, Schmitt also explains the importance of Bachofen's work: "The *sources* enriching the history of Roman law itself have been infinitely broadened; and our knowledge has not only been externally expanded but internally enriched with a new appreciation for anthropological and mythological problems. In the 19th century, Savigny's true heir was . . . Bachofen, even if he left the preoccupation of the age behind and withdrew to the fertile depth of mythological research. At issue today is not some reactionary retreat, but rather the apprehension of a wealth of new knowledge which can become fruitful for jurisprudence and which must be acquired and used creatively. In view of this task, let the dead positivism of the 19th century bury its dead."

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

René Girard's mimetic theory — an analytical tool for understanding mythic thinking and the primitive sacred — helps make sense out of Schmitt's concept of *nomos* and its religious dimension.[65]

According to Girard, primitive religion is the product of the scapegoat mechanism. In this sense, religion was at the same time myth, rites, social order and law. Thus the original *nomos* was a direct product of the scapegoat mechanism. To show this, it is important to grasp the spatial dimension of the primordial *nomos*. According to Schmitt, *nomos* is the creation of a spatial order. That is also true for the scapegoat mechanism. It produces a first differentiation between the inside, i.e., the place of the killed victim, and the outside, i.e., the lynching mob encircling the victim.[66]

Mircea Eliade's work provides plenty of evidence for the importance of the spatial dimension in primitive religions.[67] From the perspective of primitive religion, space is not homogenous. There is always a sacred space clearly distinguished from a shapeless world. Originally, the foundation of the world meant to create a sacred space. Without a sacred space, there could be no primitive cultures. A sacred space meant orientation, because there was a very close connection between the ordering of space and the ordering of life. Eliade provides an interesting example of the need for a spatial order. Such a spatial order was not only essential for settled people but also for nomads. He refers to the nomadic tribe of the Achilpa in Australia, who carried a sacred post with them to provide orientation during their wanderings. Although this tribe moved from place to place, they needed a sacred space for orientation or they would have been lost in a chaotic world. According to a particular myth, once, when the post broke, the people lost their orientation and wandered around until they finally died.

65. For a short introduction to Girard's theory and readings of Schmitt's work along these lines, see Wolfgang Palaver, "A Girardian Reading of Schmitt's *Political Theology*," in *Telos* 93 (Fall 1992), pp. 43-68; "Order out of Chaos in the Theories of Carl Schmitt and René Girard," *op. cit.*, pp. 87-106; "Schmitt's Critique of Liberalism," in *Telos* 102 (Winter 1995), pp. 43-71.

66. René Girard, *Things Hidden since the Foundation of the World*, research undertaken in collaboration with J.-M. Oughourlian and G. Lefort, tr. by S. Bann and M. Metteer (Stanford: Stanford University Press, 1987), p. 102; Robert G. Hamerton-Kelly, *The Gospel and the Sacred: Poetics of Violence in Mark* (Minneapolis: Fortress, 1994), pp. 118-120.

67. Mircea Eliade, *The Sacred and the Profane* (New York: Harper & Row, 1961), pp. 20-65. For a critique of Eliade's theory of sacred space, see Johnathan Z. Smith, *To Take Place: Toward a Theory of Ritual* (Chicago: The University of Chicago Press, 1992), pp. 1-23. On sacred space in general, see Joel P. Brereton, "Sacred Space," in *The Encyclopedia of Religion*, ed. by Mircea Eliade (New York: MacMillan, 1987), Vol. 12, pp. 526-535; Emile Durkheim, *The Elementary Forms of the Religious Life*, tr. by J. W. Swain (New York: The Free Press, 1965), pp. 23-25; 145-149.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Along with Schmitt, Eliade stresses the importance of the spatial dimension inherent in every sacred order. He also indirectly provides considerable evidence that hints at the rootedness of this spatial order in the scapegoat mechanism. Thus, in the chapter on sacred space, he explicitly deals with the universal phenomenon of those sacrifices frequently made in connection with the building of houses, temples, bridges etc. These founding sacrifices show that the place where the victim was immolated functions as the center of every sacred space. This connection of the spatial order with the scapegoat mechanism is recognizable even in Eliade's account of the Achilpa tribe. The sacred post providing this tribe its orientation was made from a rubber plant by their god Numbakula. Eliade writes that Numbakula first anointed the post with his blood and then disappeared into heaven. In terms of mimetic theory, this sacred post can be interpreted as the stake to which Numbakula, the victim, was bound during his execution. The killing of the victim creates order and spatial orientation.

This insight into the close relation between spatial order, *nomos* and the scapegoat mechanism is also clear in Schmitt's account of *nomos*. After the war, Schmitt turned again to Pindar's fragment about *nómos basileús* to provide a more adequate interpretation. He now based his interpretation of the fragment on Herodotus (III 38) and Plato (Gorgias 484b), who report Pindar's words.[68] According to Schmitt, Pindar talks about Hercules' theft of three oxen from the giant Geryon. "Hercules is the mythic founder of order. By 'taking' the oxen of the giant with three bodies, he creates law; the taking away (the *nomos*) transforms violence into law. This is the meaning of the frequently discussed fragment of Pindar about the *nomos basileus*."[69] This interpretation of Pindar's fragment comes close to the logic of the scapegoat mechanism, which is also the violent transformation of chaotic violence into the structural violence of law and order.

Schmitt also indirectly refers to the sacrificial roots of *nomos* in his reflections on the similarity between *Raum* and *Rom*. His emphasis on the spatial location of Rome inherently means a reference to the myth of Romu-

68. Plato, *Gorgias* (tr. by B. Jowett): "This I take to be the sentiment of Pindar, when he says in his poem, that 'Law is the king of all, of mortals as well as of immortals; this,' as he says, 'Makes might to be right, doing violence with highest hand; as I infer from the deeds of Heracles, for without buying them' — I do not remember the exact words, but the meaning is, that without buying them, and without their being given to him, he carried off the oxen of Geryon, according to the law of natural right, and that the oxen and other possessions of the weaker and inferior properly belong to the stronger and superior." Schmitt, *Nomos der Erde*, *op. cit.*, p. 42, does not follow this interpretation of the Sophist Callicles. According to Schmitt, Callicles' interpretation resembles modern positivism. Callicles' *nomos* is the law of the stronger, a mere prescription of prescriptions.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

lus and Remus. According to this Roman myth, it was a murder that created the city boundaries. But there is an even more explicit hint at the sacrificial roots of the Roman spatial order. In a footnote, Schmitt mentions Albert Blumenthal's article "Roma Quadrata." Though Blumenthal distinguishes between a "Roma quadrata" at the Palatine and a "*mundus rotundus*" at the Comitium, he also shows that both "Roma" and "*mundus*" ultimately converge in the meaning of a sacrificial pit.[70]

Traces of the scapegoat mechanism are also visible in Schmitt's reference to Trier's article about *nomos* as a fence-word. The enclosing menring openly shows the basic structure of the lynch mob surrounding its victim. Thus, it is not an accident that Trier points out that sacrifices were usually performed inside this ring.[71] Similarly, Trier also mentions the Gothic *hunsl* (sacrifice), which "is originally a pagan sacrifice inside the ring and the thing of the sacrificial community. This sacrificial community is originally nothing but the political, legal, celebrating, economic, working and military community, which experiences itself in regard to its form inside the ring and from here it receives its understanding and names."[72] According to Trier, other words in Greek and Latin also relating to sacrifice, such as *agonium* (sacrifice), belong to the world of fences and enclosures. His most illuminating example is his account of a scapegoat rite in which a ring of men are bouncing a man or a scarecrow up and down with the help of the skin of an oxen.[73]

Schmitt's reconstruction of the original meaning of *nomos* clearly points at the scapegoat mechanism as the origin of spatial order. The primordial *nomos* belongs to pagan religion. Ancient paganism and later Roman Catholicism helped to preserve the spatial dimension of the original *nomos*. Except for the historically less important Greek Sophists, post-exilic Judaism and Calvinism were primarily responsible for the

69. Schmitt, "Nomos-Nahme-Name," *op. cit.*, p. 578. Cf. *Nomos der Erde*, *op. cit.*, p. 42. Schmitt's private notes *Glossarium*, *op. cit.*, p. 249 (note from June 18, 1949), include an aphorism that refers to the same account of foundational violence: "Baseline of thinking: from chaos to cosmos; from the state of nature to the state; in the transition, however, always the brute, who causes the transition, Hercules, who kills the monsters and remains as the last monster." On Hercules and Geryon, see Michel Serres, *Rome: The Book of Foundations*, tr. by Felicia McCarren (Stanford: Stanford University Press, 1991), p. 11; Faber, "Carl Schmitt, der Römer," *op. cit.*, pp. 263-264.

70. Faber, "Carl Schmitt, der Römer," *op. cit.*, pp. 264-265. See also Rudolf zur Lippe, "Das Heilige und der Raum," in D. Kamper and Ch. Wulf, eds., *Das Heilige: Seine Spur in der Moderne* (Frankfurt am Main: Athenäum, 1987), pp. 416-421.

71. Trier, "Zaun und Mannring," *op. cit.*, p. 233.

72. *Ibid.*, p. 235.

73. *Ibid.*, p. 259.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

modern separation of space and law. These religious traditions caused the uprooting of the modern world. In terms of mimetic theory, however, things are more complex. According to Girard, the Judeo-Christian revelation is not a product of the scapegoat mechanism, but the uncovering of the violent fate of the victims — something hidden in all primitive religions. While primitive religions are due to the scapegoat mechanism rooted in a sacred spatial order, the Biblical overcoming of the scapegoat mechanism results in a separation of space, soil, and religion.

Obviously, Judaism means uprootedness from sacred space and soil.[74] Israel is the people without land. Contrary to Schmitt's view, this is not only true for post-exilic Judaism, but leads back to its progenitor Abraham, who is a stranger and a wanderer. The post-exilic prophetic tradition, however, is particularly detached from a rootedness in the soil. Thus, according to the prophet Ezekiel, Israel is not rooted in a sacred soil but in God in heaven. An indirect critique of all spatially divided *nomoi* is also provided by the monotheistic universalism of Second Isaiah. Those elements and traditions in Judaism closely linked to a sacred space seem to be mythic remnants contradicting the true spirit of Biblical revelation.

Schmitt seems especially predisposed to favor these mythical elements. He clearly distinguished between Judaism and Christianity in regard to their relation to space. From the perspective of mimetic theory, however, his distinction does not hold. Christianity is deeply rooted in the prophetic tradition of Judaism, and its relation to soil and sacred space seems at least as uprooted as its Jewish origin. Thus, Paul clearly distinguishes between the "enemies of the cross of Christ," whose "minds are set on earthly things," and Christians like him, whose "citizenship is in heaven" (Phil 3:17-20). Christians are an uprooted people who exist as "aliens and exiles" (1 Peter 2,11) in this world.

Augustine provides a perfect example of the uprooted character of Christian theology. In his *City of God*, he distinguishes between the earthly rootedness of Cain, the murderer and founder of the first city, who

74. See Franz Rosenzweig, *Der Stern der Erlösung*, 4th edition (Frankfurt am Main: Suhrkamp Verlag, 1993), pp. 332-335; Jacob Taubes, *Abendländische Eschatologie*, reprint (Munich: Matthes & Seitz Verlag, 1991), pp. 12, 17, 24. According to Cacciari, all three religions leading back to Abraham, Judaism, Christianity, and Islam contributed to the uprootedness of the people's *nomoi*. See Cacciari, *Gewalt und Harmonie*, *op. cit.*, pp. 116-117. Brereton (*Sacred Space*, *op. cit.*, p. 528) explains the Islamic distance from the archaic concept of sacred space and its similarity to Protestant architecture: "The mosque is sacred space according to our definition of sacred space as a place of ritual and meaning. But it is expressive, meaningful space because it denies the typical values of sacred places."

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

was a citizen of this world, and Abel, who did not found a city, because he belongs to the heavenly city and lives as a stranger and pilgrim in this world.[75] In Augustine's view, Rome, the city with which Schmitt unhesitantly identified, follows Cain's example. It is the earthly city founded on a murder. On the other hand, the city of God is a nomad city — on pilgrimage through this world — without a site, walls, or gates. It calls people from all other cultures and ignores the differences between the various *nomoi*. In the long run, this disregard of different customs, institutions, and laws causes the destruction of every particular *nomos*.[76] According to Cacciari, Augustine's theology means the radical secularization of the pagan view of space.[77] Augustine's critique of the Goddess *tellus* results in the uprooting of *nomos*. Virgil's *justissima tellus*, which Schmitt cites, cannot be reconciled with Augustine's theology.[78]

Schmitt's siding with Rome, his insistence on the justice of mother earth, is not rooted in Christian theology but in paganism. Mythic paganism is also visible where Schmitt quotes Hölderlin's polytheistic poem as a confirmation of his hope in a new pluralistic *nomos* of the earth.[79] From the perspective of mimetic theory, it is clear that Schmitt's way of thinking contradicts the Biblical spirit. His peculiar anti-Semitism turns out to be ultimately an enmity against the Judeo-Christian Bible.

This conclusion may seem odd if one takes into account that Schmitt claimed to be a true Catholic thinker — even representing a kind of "Catholic intensification."[80] He also tried to present his preference of the land to the sea — of a territorial to a maritime existence — as converging with the biblical perspective.[81] According to him, the Old Testament means the choice of territorial existence. It represents the land as the proper *Lebensraum* for human beings, whereas the sea is seen as a danger to be contained. According to

75. Augustine *De civ.* XV.1, XV.5. Cf. John Milbank, *Theology and Social Theory: Beyond Secular Reason* (Oxford: Basil Blackwell, 1990), pp. 390-392.

76. Augustine *De civ.* XIX. 17.

77. Cacciari, *Gewalt und Harmonie*, *op. cit.*, pp. 114-115, 187-188. Cf. Augustine *De civ.* VII.23.

78. Schmitt, *Nomos der Erde*, *op. cit.*, p. 13. See also Schmitt's "Justissima tellus: Das Recht als Einheit von Ordnung und Ortung," in *Universitas* 6 (1951), pp. 283-290.

79. Cf. Klaus-M. Kodalle, *Politik als Macht und Mythos: Carl Schmitts "Politische Theologie"* (Stuttgart: Kohlhammer, 1973), pp. 123-130.

80. Schmitt, *Glossarium*, *op. cit.*, p. 165 (note from June 16, 1948): "This is my secret keyword of my entire spiritual and public existence: the struggle for the real Catholic intensification (against the neutralizers, the aesthetic inhabitants of Cockaigne, against the abortionists, cremators and pacifists)." Cf. 131, 249, 283.

81. Schmitt, "Gespräch über den Neuen Raum," *op. cit.*, pp. 552-554; *Nomos der Erde*, *op. cit.*, p. 14.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Schmitt, the New Testament also shares this territorial view. The fact that Jesus walked on the sea means that he had defeated evil. Schmitt's favorite passage, however, is Rev 21:1, which foretells a new earth without the sea.[82]

Despite these attempts to reconcile his thinking with the Bible, however, Schmitt remains closer to paganism. Even his interpretation of Rev 21:1 is limited. His sole focus on the disappearance of the sea prevents him from recognizing that the Christian hope for a new earth, expressed in this passage, is part of the biblical uprooting of all earthly *nomoi*. His affinity to paganism, however, is not absolute. Thus, he clearly distanced himself from pagan concepts of history. As such, Schmitt's thinking represents a kind of sacrificial Christianity, between paganism and the true biblical spirit. Schmitt's concept of the *katéchon* best illustrates sacrificial Christianity. According to Cacciari, the *katéchon* is the only political concept left in a world influenced by the uprooting spirit of the Bible and here he agrees with Schmitt. Schmitt, however, never really understood the ambiguous nature of the *katéchon* containing the evil it restrains. According to Cacciari, this ambiguity entails that Christians can never really accept the *katéchon*.

### *Beyond Schmitt's Antiuniversalist Concept of Space*

In view of his support of Hitler, it is questionable whether Schmitt's *katéchon* can help solve future problems. He correctly warns of the totalitarian dangers of a unified world, and he is also right about the need to control technology. It is unlikely, however, that this can be done by a new Hercules.[83] Is this a reference to violence or is it once again a call for a strong dictator? His answer is not clear. His allusion to mythology does not help. The same is true of his concept of *Großräume*. A unified world-state

---

82. Rev 21:1: "Then I saw a new heaven and a new earth; for the first heaven and the first earth had passed away, and the sea was no more."

83. Schmitt, "Gespräch über den Neuen Raum," *op. cit.*, p. 568. Schmitt's hope for a new Hercules is related to his sympathy for heroism. In his private note from June 18, 1949, he returns to Hercules, who causes the transition from chaos to cosmos in the following way: "When culture comes, heroes come to an end, says Hegel. For us, this culture has become dull. This peace is getting morose for me. Therefore, we call for heroes. And they come!" See Schmitt, *Glossarium*, *op. cit.*, p. 249. See also p. 236, where he distinguishes between the "political" and the "barbaric." In his book on Hamlet he also refers to Hegel's insight that culture ends the heroic age. Schmitt seems to side with the barbaric, as it is a myth-making source. See Carl Schmitt, "The Source of the Tragic," in *Telos* No. 72 (Summer 1987), pp. 148-149. See also G.W.F. Hegel, *Grundlinien der Philosophie des Rechts oder Naturrecht und Staatswissenschaft im Grundrisse*, ed. by B. Lakerbrink (Stuttgart: Philipp Reclam jun., 1970), paragraphs 93, 218, 350; Meuter, *Katechon*, *op. cit.*, p. 477.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

would surely be dangerous. It is increasingly obvious that regionalism and small local communities are essential for a decent world. It even makes sense to think about *Großräume* to coordinate political life on a continental level. The important question, however, is whether these continental blocs will be part of some kind of world confederation or if they will remain completely sovereign, even practicing friend-enemy politics with each other. Because of his rejection of universalism, Schmitt does not realize that in the long run the tendency toward a unified world is irresistible. Universalism is the product of the biblical spirit and the real question is not about being for or against universalism, but what *kind* of universalism. Schmitt seems to neglect the fact that today's technological and ecological situation no longer allows the perseverance of friend-enemy politics in an anti-universalist sense.[84]

On the political level, the main task is to reconcile universalism with local communities, regions, states and continental blocs according to the principle of subsidiarity.[85] Both sides are essential. Universalism without local, regional and continental units would result in the homogenous world Schmitt rejected. The neglect of universalism, however, would also be destructive. Schmitt was not really aware of this second danger. The emphasis on the universal dimension as necessary for every future *nomos* of the earth is the essential step beyond Schmitt's position.

Besides this direct political answer there is, however, also an ethical and religious one, such as that provided by Karl Jaspers.[86] In 1952, Jacob Taubes, a Jewish philosopher who appreciated Schmitt's work throughout his life and even met Schmitt personally in the 1970s, wrote a letter from Jerusalem to a friend in Germany. Taubes told his friend that he just had read Schmitt's *Der Nomos der Erde*, but was not really convinced by it. He claimed the title of the book alluded to John 13:34 and asked whether: "the new *nomos* of the earth can match the *nomos* of Christ?"[87] According to

84. Michel Serres, *The Natural Contract*, tr. by E. MacArthur and W. Paulson (Ann Arbor: University of Michigan Press, 1995).

85. Herwig Büchele, *Eine Welt oder keine: Sozialethische Grundfragen angesichts einer ausbleibenden Weltordnungspolitik* (Innsbruck: Tyrolia-Verlag, 1996).

86. Karl Jaspers, *The Future of Mankind*, tr. by E. B. Ashton (Chicago: University of Chicago Press, 1961), who emphasized the need of individual conversion as a precondition for global peace. On similarities and differences between Schmitt and Jaspers, see Heiner Bielefeldt, *Kampf und Entscheidung: Politischer Existentalismus bei Carl Schmitt, Helmuth Plessner und Karl Jaspers* (Würzburg: Königshausen & Neumann, 1994).

87. Jacob Taubes, *Ad Carl Schmitt: Gegenstrebige Fügung* (Berlin: Merve, 1987), p. 33. - John 13:34: "I give you a new commandment, that you love one another. Just as I loved you, you also should love one another."

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Taubes, it is not sufficient to evade this question because of its purely theological content and by insisting on the distinction between theology and jurisprudence. One cannot try to solve real problems by keeping the academic disciplines pure and separate from each other. Schmitt himself knew this kind of purity means avoiding essential questions.[88]

From the perspective of mimetic theory, the answer to Taubes' question is clear: If the old sacred restrains — including traditional forms of spatiality — are no longer possible, Christian love and nonviolence are becoming increasingly important. Love and nonviolence constitute a new *nomos* providing orientation in a world without sacred space. That is true at the international as well as at the individual level. Following Jaspers, Girard claims that in the long run humanity will have to follow the way of the Sermon on the Mount if it does not want to disappear. "The definitive renunciation of violence . . . will become for us the condition *sine qua non* for the survival of humanity itself."[89] At the end of his introduction to *Der Nomos der Erde*, Schmitt also alludes to the Sermon on the Mount. "It is the peacemakers, to whom the earth is promised. Also, the idea of a new *nomos* of the earth will disclose itself only to them."[90] This allusion to the Bible, however, combines parts of the Beatitudes in Mt 5:5 and 5:9 and therefore indirectly excludes the meek (Mt 5:5a), who follow the example of Jesus.[91] Schmitt is not really interested in Christ's nonviolent *nomos*. When he turned again to the Beatitudes of the Sermon on the Mount three years later, he specifically mentioned the meek. It was not a new interest in nonviolence, however, which led him to mention this passage, but his attempt to identify the Sermon on the Mount with the land appropriation of the original *nomos*. "Even the meek, who according to the Sermon on the Mount will inherit the earth (Matthew 5:5), will not gain this ownership without land appropriation and distribution: the word for this type of ownership is *kleronomesousin* [literally: they will inherit]."[92] Schmitt diminished the difference between the original sacred *nomos* and Christ's commandment. It is necessary for us to gain a better understanding of the radical difference between Hercules and Christ and to attempt to follow the latter.

---

88. Schmitt, *Political Theology*, *op. cit.*, p. 18.
89. Girard, *Things*, *op. cit.*, p. 137, 258, 453.
90. Schmitt, *Nomos der Erde*, *op. cit.*, p. 6. See also p. 20.
91. Mt 5:5: "Blessed are the meek, for they will inherit the earth." — Mt 5:9: "Blessed are the peacemakers, for they will be called children of God."
92. Schmitt, "Appropriation/Distribution/Production," *op. cit.*, p. 56.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

# *Schmitt as a Scapegoat: Reply to Palaver*

Gary Ulmen

*Silete theologi in munere alieno!* As Schmitt observes in *Der Nomos der Erde*,[1] this was Alberico Gentili's battle cry to remove theologians from discussion of politics and to rescue a non-discriminatory concept of war. According to Schmitt, it became the slogan of an epoch — the epoch of the *ius publicum Europaeum*. The turn to the modern age in the history of international law was accomplished by a *dual division* of two lines of thought inseparable in the Middle Ages — moral-theological from juridical-political arguments and the question of *iusta causa*, grounded in moral arguments and natural law, from the typically juridical-formal question of *iustus hostis*. What had been the object of punitive action sanctioned by the Church became a juridical system of thought sanctioned by the state.[2]

But now, at the conclusion of the modern age, a theologian is attempting to reverse the process — to turn juridical-political into moral-theological arguments, to revive the concept of *iusta causa* (already well under way!), and to bring biblical eschatology back into international law and world affairs. Wolfgang Palaver is a true believer — not only in biblical eschatology but in René Girard's theory of anthropological mimesis. Having previously provided a Girardian reading of Schmitt's political theology,[3] he now attempts a Girardian reading of Schmitt's treatment of

1. Carl Schmitt, *Der Nomos der Erde im Völkerrecht des jus Publicum Europaeum* (1950), Second Edition (Berlin: Duncker & Humblot, 1974), p. 92.
2. *Ibid.*, p. 91.
3. See Wolfgang Palaver, "A Girardian Reading of Schmitt's *Political Theology*," in *Telos* 93 (Fall 1992), pp. 43-68.



LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

*nomos* and space.[4] If the subtext of the earlier article was that political theology is not truly theological, the subtext of this article is that Schmitt is not a true Christian. His main strategy is to discredit Schmitt's concepts of *nomos* and space in order to dispose of Schmitt's "anti-universalism." To do this, he turns Schmitt into a pagan worshiper of Hercules and political theology into an anti-Christian ideology. In Girardian terms, he makes Schmitt a scapegoat in order to create a utopian Christian community. The effort is as illusory as it is absurd.

### *The Political Theology of* Nomos

Palaver begins his discussion with Schmitt's concept of *nomos*, but he couches it in a distorted version of political theology. This becomes clear in his claim that: "The religious dimension of Schmitt's concept of *nomos* is more important than these scattered remarks suggest. His references to Pindar and Heraclitus show that his reconstruction of the original meaning of *nomos* goes back to its religious roots."[5] Of course it does, since Schmitt's concept of political theology is based on "fundamental and methodological analogies," and in particular on the "systematic relationship between jurisprudence and theology."[6] But Schmitt states clearly that political theology "is not concerned with any theological dogma but with a scholarly-theoretical and conceptual-historical problem," with "the structural identity of concepts, of theological and juridical argumentation and cognition"; it "concerns the classical case of a reoccupation with the help of specific concepts developed in the systematic thinking of both the most highly developed and most perfectly formed historical examples of 'occidental rationalism,' namely the *Catholic Church*, with its completely juridical rationality, and the *state of the ius publicum Europaeum*."[7]

Obviously, Palaver does not understand the meaning of *analogy*, since he continually ascribes a literal meaning to Schmitt's expressly stated intentions. Schmitt finds theological as well as mythological analogies for the concept of *nomos* because the concept predates the process of secularization. Palaver is right that "[w]here Schmitt talks about the origin of *nomos*, he clearly maintains that it constituted the political, social *and* religious order."[8]

4. Wolfgang Palaver, "Carl Schmitt on *Nomos* and Space," in this issue of *Telos*.
5. *Ibid.*, p. 112.
6. Carl Schmitt, *Political Theology: Four Chapters on the Concept of Sovereignty*, tr. by George Schwab (Cambridge, Mass. and London: The MIT Press, 1985), pp. 2-3.
7. Carl Schmitt, *Politische Theologie II: Die Legende von der Erledigung jeder Politischen Theologie* (Berlin: Duncker & Humblot, 1970), pp. 21f. and 110.
8. Palaver, "Carl Schmitt on *Nomos* and Space," *op. cit.*, p. 113.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

But Palaver emphasizes only the religious component of this unity and makes it the be all and end all of *nomos*. According to Schmitt: "*Nomos* is the substantive measure of the earth — the division and distribution of the earth obtaining in a particular order, as well as the given form of political, social and religious order. Here measure, order and form constitute a spatially concrete unity."[9] Schmitt does draw an analogy between wall and *nomos*, but his reference to "sacred locations" is not meant in a strictly religious sense.[10] Moreover, while religion may have retarded the destruction of the original meaning of *nomos*, Schmitt nowhere suggests that it would have been better if there had been no secularization. In fact, he celebrated the sovereign state as having ended the religious civil wars of the Middle Ages and as the principle agent of secularization — the crowning achievement of occidental rationalism.[11] The state became the new, rational order, the historical agent of detheologization and rationalization.

Elsewhere Palaver writes: "Schmitt also emphasized the close connection between religion and territory. In his postwar notes he wrote that 'God is dead means: space is dead'."[12] But if one examines the context of Schmitt's statement, it is obvious he is using a gloss on Nietzsche to respond to Heidegger's *Being and Time*: "The essence of being is spatial being, location, space and power; it is not sequential time; it is presence, i.e., space. The impenetrability of the body was space and power. Just that has ceased. The limitless permeability of waves is no longer power but influence. God is dead means: space is dead, corporeality is dead."[13] Shortly before, he had written: "Nietzsche's astounding statement (also in the context of Nietzsche's maxims) belongs in every discussion of the phonetics of the word *nomos*: Space stands with big shoulders against nothingness. Where space is, there is being. Look at the world, as if time had disappeared, and then everything crooked will become straight. Did Heidegger ever cite that."[14] Palaver simply ignores the explicit critique

9. Schmitt, *Der Nomos der Erde*, *op. cit.*, p. 40.

10. Palaver is surprised that Hannah Arendt "stressed, like Schmitt, the spatial dimension of *nomos*." This is not at all surprising, since Arendt had great respect for Schmitt's work, which is evident in the marginalia to her copy of Schmitt's *Der Nomos der Erde* and other works now available in her library located at Bard College.

11. See Carl Schmitt, "Staat als ein konkreter, an eine geschichtliche Epoche gebundener Begriff (1941)," in Schmitt, *Verfassungsrechtliche Aufsätze aus den Jahren 1924-1954: Materialien zu einer Verfassungslehre* (1958), Second Edition (Berlin: Duncker & Humblot, 1973), pp. 375-385.

12. Palaver, "Carl Schmitt on *Nomos* and Space," *op. cit.*, p. 113.

13. Schmitt, *Glossarium*, *op. cit.*, p. 187.

14. *Ibid.*, p. 310.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

of Heidegger in these passages in order to make them fit his thesis. Characteristically, he mentions a half-truth and draws the conclusions he wants or, as stated in my earlier critique:"Palaver simply ignores whatever does not fit his theory."[15]

More to the point, Palaver argues that Schmitt's concept of space is rooted "in ancient pagan Rome," indeed "in Rome and its soil."[16] Allegedly, Schmitt's understanding of space is so land-bound that he considered water — the seas — as evil. This leads Palaver to perhaps his most outrageous claim, namely that Schmitt "ultimately disapproved" of the *nomos* of the earth that constituted the modern age from 1492 to the end of WWI.[17] But anyone reading Schmitt, even what he wrote during the Third Reich let alone thereafter, immediately recognizes that he considered this age of the sovereign state and the equilibrium between land and sea — of Eurocentric international law — Europe's greatest achievement. Not only does Schmitt analyze sea appropriations as well as land appropriations, he praised what he called the "global linear thinking" used by the European powers to divide the world during the Age of Discovery and considered England's achievement in going from land to sea the crucial factor that made possible the equilibrium of the *ius publicum Europaeum*.[18] Not only is this the main message of *Der Nomos der Erde*, but Schmitt repeatedly called the ideology of anti-imperialism "anti-European propaganda."[19]

Not surprisingly, Palaver's argument becomes explicit in the section titled: "A Theological Critique of Schmitt's Concept of *Nomos*," where he writes: "In order to understand Schmitt's political thinking and his specific political theology, his work must be interpreted from the perspective of the primitive sacred, going back to some mythical roots."[20] Here is where he unloads his Girardian baggage, in particular his mentor's "mimetic theory." "According to Girard, primitive religion is the product of the scapegoat

15. See G. L. Ulmen, "Anthropological Theology/Theological Anthropology: Reply to Palaver," in *Telos* 93 (Fall 1992), p. 72.

16. Palaver, "Carl Schmitt on *Nomos* and Space," *op. cit.*, p. 117.

17. *Ibid.*, p. 6.

18. See the second section of *Der Nomos der Erde*, "The Land Appropriation of a New World," which will appear in the next issue of *Telos*.

19. See, e.g., Carl Schmitt, "El orden del mundo desués la segunda guerra mundial," in *Revista de Estudios Politicos* 122 (March-April, 1962), pp. 19-36, tr. by Günter Maschke and reprinted as "Die Ordnung der Welt nach dem Zweiten Weltkrieg" in Carl Schmitt, *Staat, Grossraum, Nomos: Arbeiten aus den Jahren 1916-1969*, ed. by Günter Maschke (Berlin: Duncker & Humblot, 1995), p. 594. Palaver refers to this article but ignores this fact.

20. Palaver, "Carl Schmitt on *Nomos* and Space," *op. cit.*, p. 119.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

mechanism. In this sense, religion was at the same time myth, rites, social order and law. Thus the original *nomos* was a direct product of the scapegoat mechanism."[21] Maybe according to Girard, but not according to Schmitt. Beginning with a definite assertion, Palaver becomes increasingly guarded in his statements. Thus, he writes that Schmitt's interpretation of Pindar's maxim *nomos basileus* "comes close to the logic of the scapegoat mechanism" and "Schmitt also indirectly refers to the sacrificial roots of *nomos* in his reflections on the similarity between *Raum* and *Rom*."[22] But none of this has much to do with Schmitt's understanding of political theology.

***Playing the Nazi Card***

Since Palaver's intention is to discredit Schmitt's concepts of *nomos* and space, he grounds both in Schmitt's writings during the Third Reich. It is well known, however, that between 1933 and 1936, when he actively sought to ingratiate himself to the Nazis, as well as between 1936 and 1945, when he included quasi-Nazi statements in his writings so he could get published, Schmitt disgraced himself both personally and intellectually. What is gained by so doing is a skewed version of Schmitt's thinking to fit Palaver's thesis. Not only does Palaver fail to mention the great disparity between Schmitt's writings during the Weimar Republic and those during the Third Reich, he even contends that "anti-Semitism and Roman territorialism" together constitute "The Religious Dimension of Schmitt's Concept of *Nomos*." Without mentioning that there is no trace of anti-Semitism in Schmitt's writings prior to the Nazi period, or that most of his best students were Jews and did not detect any such proclivity in him personally, Palaver focuses exclusively on Schmitt's aberrant statements in his writings between 1933 and 36 and in his postwar notebook,[23] never intended for publication, in which Schmitt's bitterness at his fate is most obvious.[24]

---

21. *Ibid.*, p. 120.
22. *Ibid.*, pp. 121.
23. Carl Schmitt, *Glossarium: Aufzeichnungen der Jahre 1947-1951*, ed. by Eberhard Freiherr von Medem (Berlin: Duncker & Humblot, 1991).
24. Schmitt's post-war fragmentary comments are easily distorted, and it is impossible to know what was in his mind at the time he penned them. He sometimes makes extremely critical comments about his friend, Ernst Jünger, and a few days later his tone is completely different because he is so pleased at having received a letter from Jünger. At times he is jealous and vindictive, at other times mellow and reflective, as one tends to be in a private journal. The fact that Schmitt added critical comments on Jews in his writings during the Nazi period (although never in a biological sense) is no doubt *personally* reprehensible, but not *theoretically* significant. As for Schmitt's postwar writings, they also have no hint of anti-Semitism.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Although by and large Palaver ignores the juridical dimension of Schmitt's thinking, which is, after all, its core, one aspect he mentions is Schmitt's critique of legal positivism: "Legal positivism results in a type of law connected to no concrete order or spatial orientation. According to Schmitt, Judaism is the primary cause of this typical modern development."[25] This is blatantly false. Palaver's footnote is conveniently not to Schmitt but to an article by Raphael Gross,[26] which again is based exclusively on Schmitt's writings during his Nazi period. Palaver makes no reference to Schmitt's *Political Theology*, supposedly the focus of his interest, where Schmitt writes of Hans Kelsen, the leading legal positivist at the time: "Kelsen has the merit of having stressed the methodical relationship of theology and jurisprudence. In his last work on the sociological and the juridical concepts of the state he introduced many analogies. Although diffuse, these analogies make it possible for those with a deeper understanding of the history of ideas to discern the inner heterogeneity between his neo-Kantian epistemological point of departure and his ideological and democratic results. At the foundation of his identification of state and legal order rests a metaphysics that identifies the lawfulness of nature and normative lawfulness. This pattern of thinking is characteristic of the natural sciences."[27]

The passage Palaver relies on in *Der Nomos der Erde* does not claim what he thinks it does: "The paradox and aporia of the mere passing of laws was at that time [the time of the sophists] only the concern of a few philosophizing subjects. In no sense was it perceived generally as 'formal progress.' In fact, it remained embedded in the pagan religion of the people. Later, after the victory of Christ over the caesars, a new religion took over the historical legacy of antiquity. Thus the progress made by the sophists was in no sense historically the same as the legal positivism of the emerging un-Christian and atheistic 19th century. This modern positivism was the creation of disillusioned jurists, whose mental attitude after the political disappointments of 1848 led them to assert the superiority of the natural sciences, the progress of industrial-technical development, and the new legitimacy of the revolution. In the nihilism of their times, these jurists failed to notice that in such an age laws become only tokens of decay."[28]Unless Palaver is prepared to claim that all the "disillusioned jurists" after 1848 were Jews

25. Palaver, "Carl Schmitt on *Nomos* and Space," *op. cit.*, p. 114.
26. Raphael Gross, "Carl Schmitt's 'Nomos' und die Juden," in *Merkur* 47 (1993, pp. 410-420.
27. Schmitt, *Political Theology*, *op. cit.*, pp. 40-41.
28. Schmitt, *Der Nomos der Erde*, *op. cit.*, pp. 44-45.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

(which Schmitt never does, and which was certainly not the case), then his statement is false. True, Hans Kelsen was Jewish, which was not an issue for Schmitt throughout the Weimar Republic. Both Schmitt and Kelsen respected each other, as can be seen in their writings.

Even more telling is Palaver's virtual disregard of Schmitt's "testament" (1943/44), where Schmitt clearly states that: "The crisis of European jurisprudence began a century ago with the victory of legal positivism. Our fathers and grandfathers abandoned an outmoded natural law and saw a great step forward from illusion to reality in the transition to what they called 'positivism.' The Historical School had already struggled on somewhat false fronts against the old natural law, but its equally disputed doctrine of the scholarly sources of right, of customary law and international law, did not result in an unadulterated legal positivism. The essential turn in 1848 found its slogan in Windschied's aphorism from his 1854 Greifswald university lecture: 'The dream of natural law is over'."[29] According to Schmitt, the closed "legality" of the parliamentary-legislative state had developed its own system of jurisprudence, which was directed against the "legitimacy" not only of monarchs but of any higher authority. As the ideology of the rising bourgeoisie, Enlightenment rationalism had led to the dismissal — as irrational — of any traditional legitimacy not immediately reducible to norms that could be readily validated in the court of reason now identified with the polity. This was not a Jewish conspiracy but an historical situation that involved his own "fathers and grandfathers." Schmitt was attempting to confront the crisis of European jurisprudence by opposing the tradition of Roman law to the Enlightenment's distortion of Western rationalism.[30]

***Catholicism, Paganism and Universalism***

In one of the passages in his postwar notebook, Schmitt mentions his "testament": "The jurisprudence of which I spoke of at the conclusion of 'The Plight of European Jurisprudence' is of course not that of Mr. Erich Kaufmann or the German professional association of J[uridical science] established by the state. My jurisprudence is in exile. . . . Yet there are 'associations of traditions' [*Traditionscompagnien*]. '*Rome n'est plus dans Rome, elle est toute ou je suis*' [Rome is no

29. Schmitt, "The Plight of European Jurisprudence," tr. by G. L. Ulmen, in *Telos* 83 (Spring 1990), pp. 44-45.

30. See Paul Piccone and G. L. Ulmen, "Schmitt's 'Testament' and the Future of Europe," in *Telos* 83 (Spring 1990), pp. 3-34.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

longer in Rome, it is everywhere I am]. Maybe everyone leaves me through their special door and gives me the cold shoulder, saying nothing, because of *Ex Captivitate*.[31] But you will understand that such a cry for help, such a last (or first?) appeal to the 'ear' [to the public] was nevertheless necessary; or else the German spirit would not have agreed to its desecration. The scandal has to come; probably it comes in its most venomous form as German silence. How can one explain this from deep psychology?"[32] Palaver refers to this passage, but quotes only the statement about Rome and draws the conclusion that "Schmitt's Catholicism is therefore not so much a Roman Catholicism in the general sense but one rooted in ancient pagan Rome."[33]

Schmitt may be charged with egoism, but certainly not paganism. Here he is obviously speaking of his fate immediately after the war and of his feeling of isolation. When Schmitt says Rome is where he is, he is expressing the same kind of self-identification with his profession and his purpose found at the end of his 1938 book on Hobbes[34] — a veiled critique of the Nazis unmentioned by Palaver, where Schmitt lauds Hobbes as "the real teacher of a great political experience; alone, like every pioneer, misunderstood, like one whose political ideas are unrealized among his own people; unrewarded, like one who opens a door through which another can march on; and yet, in the undying community of great men who know their times, 'a sole retriever of an ancient prudence'."[35] In one of his letters to me, Schmitt wrote: "I am no Hobbes, but, like Hobbes, I am 'a sole retriever of an ancient prudence'." This "ancient prudence" is that human nature does not change, that the political dimension of human life will not disappear, and that the most rational position is to confront this concrete reality and avoid wishful thinking.

Shortly after these annotations in his notebook, Schmitt wrote: "Between theology and technology, that means between two totalitarian domains. Theology is necessarily totalitarian from its substance and results; technology is totalitarian from its methods, its functions. The result is always totality. Between them stands the jurisprudence of occidental

31. Here Schmitt refers to the book he published after his release from Nuremberg, *Ex Captivitate Salus: Erfahrungen der Zeit 1945/47* (Cologne: Greven Verlag, 1950).
32. Schmitt, *Glossarium*, *op. cit.*, pp. 310-11.
33. Palaver, "Carl Schmitt on *Nomos* and Space," *op. cit.*, pp. 116-117.
34. Carl Schmitt, *The Leviathan in the State Theory of Thomas Hobbes: Meaning and Failure of a Political Symbol*, Translated by George Schwab and Erna Hilfstein (Westport, CN and London: Greenwood Press, 1996).
35. *Ibid.* (translation altered).

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

rationalism; it is not totalitarian but *ad alterum*;[36] its institution is the state, which distinguishes between public and private law; it safeguards law, the law is *ad alterum*. *Audiatur etaltera pars* [The other side must be heard]. Neither theology nor technology recognizes this."[37] Indeed, neither does Palaver. Relying on these same passages, he draws the conclusion he has been aiming at all along: "Schmitt's siding with Rome, his insistence on the justice of mother earth, is not rooted in Christian theology but in paganism. Methic paganism is also visible where Schmitt quotes Hölderlin's polytheistic poem as a confirmation of his hope in a new pluralistic *nomos* of the earth. From the perspective of mimetic theory, it is clear that Schmitt's way of thinking contradicts the Biblical spirit. His peculiar anti-Semitism turns out to be ultimately an enmity against the Judo-Christian Bible."[38] But since Schmitt, as Palaver is forced to admit, "clearly distanced himself, for instance, from pagan concepts of history,"[39] he must fall back on Girard: "Schmitt's thinking represents a kind of sacrificial Christianity."[40]

Whereas Schmitt characterized his essay on the visibility of the Church as a "scholastic" consideration, he said his book *Römischer Katholizismus und politische Form* was "anything but."[41] What he understood thereafter as his "Catholicism" was certainly not tied to the Church or its theology in any specific sense. And it did, as Palaver notes, have something to do with his understanding of the *kathechon*, but not in the sense Palaver presents it. In particular, it is not understood in the sense of literally holding back the Antichrist. Here again, Palaver misrepresents political theology. No doubt,

---

36. Early in his life, Schmitt observed that the un- and post-Kantian belief that nature is good and men are "by nature good" is "not a sociological phenomenon, nothing *ad alterum*," that "the sociological nature of language, the relation *ad alterum*, i.e. the practical purpose, is what makes it ugly." See Carl Schmitt, *Theodor Däublers "Nordlicht": Drei Studien über die Elemente, den Geist und die Aktualität des Werkes* (1916), Second Edition (Berlin: Duncker & Humblot, 1991), pp. 53 and 43 respectively. In an essay soon after, he wrote: "Individuality coexists only in that God keeps the person in the world. The person is unique in the world and thus also in the community. His relation *ad se ipsum* is not possible without a relation *ad alterum*. To be in the world means to be with others. From a spiritual standpoint, all visibility is construed in terms of a constitution of community." See "The Visibility of the Church: A Scholastic Consideration," Appendix to *Roman Catholicism and Political Form*, tr. and annotated by G. L. Ulmen (Westport, CN and London: Greenwood Press, 1996), pp. 51 and 59.

37. Schmitt, *Glossarium*, *op. cit.*, pp. 310-11.

38. Palaver, "Carl Schmitt on *Nomos* and Space," *op. cit.*, p. 124.

39. *Ibid.*, p. 125.

40. *Ibid.*

41. Schmitt, *Politische Theologie II*, *op. cit.*, p. 27.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Schmitt's concept of the *katechon* is ambiguous, but much less so than Palavers claims. As Schmitt put it: "Again greatly inspired by Konrad Weiss, creature of the word: the Tower of Babel of neutralizing linguistic unity. 'Even the confusion of languages is better than this Babylonian unity,' i.e., anarchic chaos is better than nihilistic centralization and prescription.[42] The *katechon* is recognizable in that he does not strive for this world unity but deposes the imperial crown. Naive to make the imperial crown hereditary; however, this came about through its linkage with the practice of dynastic power, and can a dynasty not also be a *katechon*?"[43]

Schmitt's "struggle for the proper Catholic intensification" is an attempt to hold the line against nihilism and universalism. Palaver is certainly no nihilist, but he is a peculiar sort of universalist, and Schmitt's critique of universalism turns out to be the objective of Palaver's whole effort to discredit Schmitt's concepts of *nomos* and space: "Because of his rejection of universalism, Schmitt does not realize that in the long run the tendency toward a unified world is irresistible. Universalism is the product of the biblical spirit and the real question is not about being for or against universalism, but what *kind* of universalism. Schmitt seems to neglect the fact that today's technological and ecological situation no longer allows the perseverance of friend-enemy politics in an anti-universalist sense."[44] What kind of universalism is this? Perhaps distrusting his original strategy, Palaver attempts to link his biblical universalism with *Telos'* emphasis on federalism and subsidiarity. But this obvious opportunism flies in the face of the critique of universalism that is the other side of our position. Palaver ends up misrepresenting not only Schmitt's thinking but ours as well.

According to Palaver's Panglossian outlook: "The emphasis on the universal dimension as necessary for every future *nomos* of the earth is the essential step beyond Schmitt's position."[45] In this best of all possible worlds, "Christian love and nonviolence are becoming increasingly important."[46] Allegedly, Schmitt missed the point of the Sermon on the Mount and chose the mythical Hercules: "It is necessary for us to gain a better understanding of the radical difference between Hercules and

42. At the conclusion of his "testament," Schmitt wrote: "Let us remember our history of persecution, for our strength lies in our willingness to suffer. Then the genius will not leave us, and even the confusion of tongues will prove to be better than Babylonian unity." See "The Plight of European Jurisprudence," *op. cit.*, p. 70.
43. Schmitt, *Glossarium*, *op. cit.*, p. 165.
44. Palaver, "Carl Schmitt on *Nomos* and Space," *op. cit*, p. 126.
45. *Ibid.*
46. *Ibid*, p. 127.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Christ and to make an attempt to follow the latter."[47] Even on a Christian level, this does not make sense in terms of universalism. Schmitt well understood that universalism in a Christian sense means the universal Church, which is in but not *of* this world — it is not the visible but the *invisible* Church. Palaver's position is neither Catholic nor Christian theology *per se*. It is a kind of politically and ecologically correct liberalism with a theological patina.

Schmitt rightly rejected the possibility, let alone the desirability, of a unified earth. He did not *advocate* friend-enemy relations. Rather, he said it is irrelevant whether one accepts or rejects them, hopes that the antithesis will one day vanish from the world, or that it is perhaps pedagogic — or theological — reasoning to imagine that enemies no longer exist, since it is undeniable that nations or other political entities continue to group themselves according to friend and enemy. His concern was neither with abstractions nor with normative ideals, but with the real possibility of such a distinction. Rationally speaking, it cannot be denied that "nations continue to group themselves according to the friend and enemy antithesis, that the distinction remains actual today, and that this is an ever present possibility for every people existing in the political sphere."[48]

Palaver's "universal federation" is not a *nomos* of the earth but a "Christian" utopia. It is a skewed theological interpretation of concrete political questions. *Nomos* and space deserve serious consideration, whether or not one accepts Schmitt's interpretation. Schmitt's writings are certainly not the last word on these concepts and the problems they embrace. No doubt it is necessary to go beyond Schmitt. But the way does not lead to heaven on earth, as Palaver would have it. The *nomos* of the earth is a human endeavor consistent with the Western project of structuring life rationally. To the extent that religion contributes to this endeavor, it is consistent with that project. But it is no substitute for it.

---

47. *Ibid.*

48. Carl Schmitt, *The Concept of the Political*, tr. with an introduction and notes by George Schwab (New Brunswick, NJ: Rutgers University Press, 1976), p. 28.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

# *Notes and Commentary:*

## *On the Civil Rights Movement: Reply to Murray*

Paul Gottfried

Hugh Murray's comments on the civil rights movement recall Marge Schott's badly received observations on the Nazi regime. Murray is also describing something that turned out badly but which he insists began well. Contrary to Murray and Dinesh D'Souza, whose book he reviews, the continuities of the Civil Rights Movement and affirmative action policies are more significant than its alleged turning points. Affirmative action as a practice goes back to the last year of the Johnson administration, but some civil rights leaders supported it before. As early as 1965, Martin Luther King, Jr., whom D'Souza elevates to a cultic figure, advocated the preferential treatment of blacks under a vastly expanded state apparatus. In a 1965 *Playboy* interview[1] and in a booklet published shortly thereafter, King demands reparations from whites and job quotas for blacks. King calls for even greater compensations than any Clinton's Justice Department is now exacting. In a town where blacks are 39% of the total population, he explains, every business and educational institution should have to recruit blacks in the same proportion.[2]

As for the Civil Rights Act, Senator Richard Russell understood its implications better than Hubert Humphrey, who offered to eat his hat if the proposed act led to quotas. Title Seven of the Act empowers a government agency (the embryonic EEOC) to determine the operation of discriminatory motives in the non-hiring of blacks and women. Does Murray believe this mandate would not result in abuse, given the increasingly unchecked power exercised even then by federal agencies and the fact that assigning motives often allows for arbitrary judgments? It was therefore natural, as shown by Richard Epstein, Jeffrey Tucker, and other critics of the 1964 Act, that those

1. Now reprinted in Martin Luther King, Jr., *Testament of Hope* (San Francisco: Harper Collier, 1986), pp. 366-68.

2. Martin Luther King, Jr., "Where Do We Go from Here?" reprinted in *Testament of Hope*, *op. cit.*, pp. 603-605.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

making these judgments shifted the burden of proof to the accused and asked for *positive* evidence of non-discrimination.[3] This means a demand for proof based on results: namely, the hiring or enrollment of "underrepresented" minorities by those who seemed to be perpetuating patterns of discrimination.

Murray may object that this was not the way it was meant to work out. But this was the likely way the Act would be interpreted. One must look at the ideological context to understand what was going on. The 1964 Civil Rights Act was not an isolated moment in the history of American race relations. It was a transitional step in the evolution of the administrative-therapeutic state — a link between two phases in the socializing efforts of modern government. One aimed at breaking down regional authorities and imposing equal treatment for all through central administration. The other sought to sensitize society through a never ending crusade against "prejudice." The Civil Rights Act exemplified and promoted both projects, combining administratively enforced equality with the punishment of prejudiced motives. That its advocates defended this legislation through an older (Progressivist) language of rights is not surprising, in view of the perceived need to appear moderate. That many of them, including Humphrey and Thurgood Marshall, went on to enforce a more ambitious reconstructionist project is equally understandable: it was there and openly discussed by the mid-1960s.

It is also understandable that other Western welfare states should imitate the US example. In Canada, England, and Holland, efforts have been made to bring in Third World populations which are receiving, along with women, the benefits of affirmative action. In all these cases, the intent has been more or less the same: To allow public administration to make therapeutic incursions into a disintegrating society. By now these incursions in Europe and Canada include hate-speech laws, such as the notorious Loi Gayssot passed in France in 1990. Controlling hiring and enrollment through the imposition of quotas is only the tip of the statist iceberg. Social behavior, as the Civil Rights Commission now claims, requires a change in verbal habits in order for women, blacks and other victimized minorities to feel good about themselves. Giving these groups sometimes undeserved jobs is not enough. New forms of speech may also be necessary to achieve the goal of living in a sensitive society. Though Murray knows these arguments in favor of totalitarian administration, he continues to believe that the path toward this predicament never intersected the Civil Rights Act of 1964.

There are related problems with Murray's evaluation of D'Souza's book, which contains far more fluff than he acknowledges. Contrary to Murray's claim, David Gordon was not nitpicking in pointing out D'Souza's factual errors.[4]

---

3. Jeffrey Tucker, "Another View of Civil Rights," in Free Market (September 1991), pp. 3-7; and Richard Epstein, *Forbidden Ground: The Case Against Employment Discrimination* (Cambridge: Harvard University Press, 1992).

4. See David Gordon, "Neither Content nor Character," in *Mises Review* (Winter 1995), pp. 13-17.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

From confusing the political ideas of Hobbes and Locke and putting Giordano Bruno in the wrong century to exaggerating the lack of racial consciousness in classical antiquity and the number of racially-motivated lynchings in the US, D'Souza seems to have bitten off more than he could chew. Instead of stating the obvious, that scientific racialism is *mostly* a development of the 18th and 19th centuries, D'Souza indulges in a faulty generalization. He posits the absence of racialism in the classical and Christian eras. Thus, his denial of hereditarian thinking in Aristotle's concept of barbarian peoples shows how little he has read on the subject, outside of a few Straussian tracts that turn classical philosophers into liberal rationalists. Having once asked D'Souza why he thought Aristotle wrote polemics against intermarriage between Greeks and non-Greeks, it was clear that he had no idea that Aristotle had raised this objection.

Though D'Souza provides insights about the political agenda of value-relativists and much else, he makes glaring mistakes that Gordon had a duty to bring out. D'Souza is not only inappropriately coy about the implications of the cognitive disparities among groups he discusses — something Murray easily picks up on; he also maliciously attacks Jared Taylor as a racialist after borrowing heavily, without acknowledgment, from Taylor's study of black hostility to whites.[5] Taylor's work was cited *in passing*, only after the plagiarized author threatened to bring suit following an examination of the bound galleys of D'Souza's book.

What makes Murray generally receptive to D'Souza's work is that both share the belief that the struggle for equal rights should have been over by 1964. At that time the ideal of a color-blind society had been upheld. Unfortunately, revolutions do not necessarily stop when some intellectuals believe they should. That privileged point is only a phase in a process of change that will continue, unless those in charge find a compelling reason to leave things as they are. Neither civil rights leaders nor public administrators believed in a color-blind society, except as an interim phase in ushering in a larger social transformation, ultimately the remaking of America into a therapeutically correct society, and, in the short term, the expiation by white male Americans of their putatively evil past. Not surprisingly, in 1965 Robert Kennedy, among other reformers, hailed the liberal immigration act passed that year as an extension of the Civil Rights Act of 1964. As Chilton Williamson, Jr. put it, "the legislation that produced the Civil Rights act of 1964, and the amendments added to the McCarran-Walter Act the following year, wended their way through the same Congress and were approved by many of the same congressmen. By 1964, Rosa Parks, the Freedom Riders, and Martin Luther King, Jr. were recognized gods created by a mythology more potent and influential even than immigration."[6]

The mythology that fueled the Civil Rights Act and the legislation resulting

5. Jared Taylor, *Paved with Good Intentions* (New York: Carroll and Graf, 1992).

6. Chilton Williamson, Jr., *The Immigration Mystique*, (New York: Basic Books, 1996), p. 70.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

in a tidal wave of unskilled labor from the Third World also yielded a Voting Rights Act in 1965. Allegedly meant to protect the black vote in the South, that act brought into being a still active federal agency to oversee the voting practices of certain states. Thus it ended what used to be the right of states, in a constitutional system of dual federalism, to set up and supervise elections. Though originally intended to protect the voting rights of blacks, that agency quickly went on to do more. It pushed hard to reconstruct voting districts so as to give blacks broader bloc representation in Congress. The plan was transparently ideological and the same as the one pursued by the Black Caucus, to shake down the US white-male population by imposing ever greater demands for preferential treatment and enforced social behavior aimed at placating designated victims.

Murray may think that at least some of these consequences are the necessary price to pay for past injustice. He may also believe that their excesses reveal the misguided zeal of Americans to do good. But his claim that the Civil Rights Act of 1964 was a work of moderation soon betrayed by firebrands and isolated bureaucrats is wrong. It was part of an incremental strategy that has continued down to the present.

## *Murray and the Revolt of the Elites*

Seth Farber

Hugh Murray seems animated by two basic contentions. First, he believes that blacks and their liberal allies have acted irresponsibly by supporting the thuggish policies of the Nation of Islam and its leader, Louis Farrakhan. He states that this is "the era of Farrakhan," and implies (without any evidence other than selected anecdotes) that support for Farrakhan among blacks is virtually unanimous. Second, he deplores the replacement in the 1960s of equal opportunity by affirmative action policies — promoted by "the quota-racial-ethnic and gender preference lobby" — which he argues discriminate against more qualified individuals merely because they happen to be white or male. Yet one would never know from reading Murray's article that, despite governmental policies and the gains made by the black middle class, the plight of the black underclass has become significantly

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

worse — partially due to the policies that have aided black professionals.[1]

Murray creates the impression that there is no black underclass in America today, that blacks of all classes have benefitted equally from quotas and government policies, and that the main problems concerning race relations in the US are black racism and black crime — the latter he attributes to the permissive attitude of the judicial system, and to the blacks' genetic or cultural proclivities.

Yet a comprehensive review of the research on the subject provides a different picture. As a panel commissioned by the US government put it in 1993, "Recent field studies of gangs report that many young men remain active in gangs rather than growing out of them, as was the case in the past. While marriage, family responsibility, and jobs were once the normal route out of the gang, the scarcity of good stable job opportunities now makes that progress elusive. Much recent research documents the decline in manufacturing jobs in inner cities, the rise of a service economy that offers few opportunities for advancement, and an increasingly segmented labor force in which whites dominate higher-paying jobs while minorities are consigned to low-wage (often part-time) work, welfare and the illegal economy . . . As more stable minority populations have moved out of poverty areas, the communities left behind have lost their most effective role models."[2]

The migration of middle class blacks from the inner cities has had a particularly debilitating impact on poor blacks both economically and culturally—virtually ensuring their social apartheid. As the black middle class grew during the 1980s, there was a mass exodus from the ghettoes. This made it more difficult "to sustain the basic institutions in these neighborhoods (churches, stores, schools, recreational facilities, etc.) in the face of increased joblessness. As basic institutions declined, the social organization of inner-city neighborhoods (sense of community, positive neighborhood identification, and explicit sanctions against aberrant behavior) likewise declined. This process magnified the effects of living in highly concentrated urban poverty areas — effects that are manifested in ghetto-specific culture and behavior."[3] Moynihan was prophetic in his 1965 study of the Negro family when he wrote "the Negro community is dividing between a stable middle-class group that is steadily growing stronger and more successful and an increasingly disorganized and disadvantaged lower class group."[4]

The rise in incarceration is a product of these factors, but also of a society in which prisons are the biggest growth industry in America and where penological

1. Murray's claim that institutional racism and real poverty no longer exist are belied by statistics which show an increase in income equality in the 1980s. By the 1990s, one third of blacks were below the poverty rate, as compared to only 10.7% of whites. See Larry Greene's "Black Populism," *Telos* 103 (Spring 1995), p. 141.

2. National Research Council, *Understanding and Preventing Violence* (Washington, DC: National Academy Press, 1993), p. 144.

3. William J. Wilson, *The Truly Disadvantaged; The Inner City, the Underclass and Public Policy* (Chicago: University of Chicago Press, 1987), p. 138.

4. Cited in *ibid.*, p. 173.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

solutions are advocated as panaceas for social problems. It is a product of a criminal justice system that breeds chronic criminality (particularly effectively in light of virtually nonexistent jobs for poor ex-cons) and of a "war on drugs" that is discriminatory against blacks. Former police chief Joseph McNamara states, "The drug war has become a race war in which nonwhites are arrested and imprisoned at 4-5 times the rate whites are, even though most drug crimes are committed by whites."[5] It is also a product of the breakdown of the inner city family caused not only by joblessness among black males, but by the family-dismembering policies of the child welfare system.[6] Thus the high incarceration of blacks is a complex phenomenon that includes violent, nonviolent but anti-social, and "victimless crimes" (i.e., activities deemed "criminal" by a society threatened by personal autonomy). But it does not arise in a social vacuum, nor does it arise in an environment where "real poverty" has been transcended and poor blacks suffer no disadvantages that are not a product, as Murray suggests, of their lower IQs and their aberrant culture.

Poor blacks should not be absolved of criminal behavior. But neither should one forget, let alone sanction — in the name of opposing black racists and their "liberal allies"— the extraordinary violence of the American social system. Given the fact that this institutional violence victimizes poor blacks in particular, it is not surprising that a small percentage of them (Murray claims a majority) look to Farrakhan (despite, or because of, his bigotry) as a symbol of black success. Has Murray ever taken a walk through the South Bronx — how can he claim "real poverty" no longer exists? Why does he have such compassion for the white male applicant who failed to get into law school because of the quota system, but displays no evident compassion for the poor black child doomed to a dead-end life?

Murray is not entirely wrong. Liberalism *is* part of the problem. First, affirmative action programs that have helped the black middle classes have served as an advertisement for the American dream of social mobility, and thus distracted attention from the plight of the underclass. Second, upwardly mobile blacks soon forgot the community left behind as it became integrated into middle class culture. As Greene observes, "With white flight to the suburbs and urban economics ravaged by shrinking tax bases, constantly increasing social service expenses and rapidly rising health care costs, a new black managerial and political class arose to run the cities at a time of their greatest vulnerability. This new class of black politicians often did not live in the inner cities . . . This new class of the black bourgeoisie, civil servants, preachers and a few corporate types gentrifying a section of the inner city remained relatively untouched by the problem of urban decline."[7] Third, the welfare state, which provides jobs for a small number of upwardly mobile blacks and middle class whites, perpetuate the emotional and

5. Joseph McNamara, "The War on Drugs Is Lost," *National Review*, Vol. 47, No. 3 (February 12, 1996), p. 43.

6. See my "The Real Abuse" in *National Review,* Vol. 45, No. 7 (April 12, 1993)

7. Greene, "Black Populism," *op. cit.*, p. 141.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

economic dependence of the poor and maintain them in a permanent state of poverty.[8] As Robert Woodson put it: "What we have built is a poverty Pentagon, the principal beneficiaries of which are not the poor but those who make their living from the poor."[9] Fourth, the child welfare system provides financial incentives to place children in the foster care system, and thus it breaks up thousands of functional families in the inner cities. Finally, liberalism fosters the illusion that there is a national black leadership to defend poor blacks, whereas in reality potential spokespersons for the black underclass have been co-opted by the Democratic Party with its liberal statist policies. Jesse Jackson is paradigmatic: while the early Jackson successfully pursued a program of local empowerment, the "latter Jackson is a man refashioned to suit the assumptions of the black role in the Democratic coalition."[10] Keyes notes that the agenda of Jackson and "the established national leadership of the black community . . . is more horizontal than vertical; that is, it reflects what they must do to maintain good relations with their elite white counterparts in the Democratic coalition, not what they should do to improve the economic and political power position of the black community."[11]

Murray advocates the kind of meritocracy Lasch criticized.[12] There is no indication anywhere in his article that he supports participatory democracy as envisioned by populists, and later by the New Left. He "see careers as the be-all and end-all of democracy,"[13] and he reifies a society based on a rat race for

8. See Theresa Funiciello's *Tyranny of Kindness; Dismantling the Welfare System to End Poverty in America* (New York: Atlantic Monthly Press, 1993) and Alan Keyes, *Masters of the Dream: The Strength and Betrayal of Black America* (New York: William Morris, 1995). Keyes comments that the welfare state is "based on a concept that emphasizes human needs while neglecting human capacities . . . This bad concept leads to institutions and policies that disable initiative, motivation and creativity," p. 148.

9. Woodson calculated that 75% of the money allotted to the poor in New York City went to employees of the service industry. See his "Saving the Poor from Their Saviors," pamphlet published by the National Center for Neighborhood Enterprises (Washington, DC, 1985).

10. Keyes, *op. cit.*, p. 126

11. *Ibid.*, p. 127

12. Christopher Lasch, *The Revolt of the Elites; and the Betrayal of Democracy* (New York: W. W. Norton and Co., 1995). Lasch argues that the managerial elites have promoted a self-serving interpretation of equality — as equal opportunity for social mobility — at odds with the original democratic ideal of political equality. The latter requires "a democratization of intelligence" that undermines class differences and endows all individuals with the skills necessary for active citizenship and self-government. While Lasch may have exaggerated, it remains the case — as John Schaar put it in 1967 — that in a genuine democracy there must first be "a democratic mentality — a way of thinking about the relations among men which stresses equality of being and which strives incessantly toward the widest possible sharing of responsibility and participation in the common life." This orientation, he states, is an alternative to the present bureaucratic and "meritorian" ethic, not an outgrowth of it. John Schaar, "Beyond Equality of Opportunity," in J. R. Pinnock, ed., *Participation in Politics* (Santa Cruz: Atherton Press, 1967), pp. 237-248.

13. Lasch, *op. cit.*, p. 79

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

financial and social status. He treats IQ tests as if they are objective measures of individuals' spiritual worth, entitling them to a higher or lower place in the pecking order. Thus, if blacks are genetically less intelligent — as measured by IQ tests — then they should be placed in "slower" classes and "tracked" into their rightful places at the bottom of the social hierarchy. "If that is attuned to the ability of each child, that is how it should be" (p. 190). He shows no awareness of individual and cultural particularity (with the single exception of blacks' athletic prowess) that may contribute to a vital culture, although it may have no correlation with IQ. Everything is measured by its contribution to keeping the American machine going, to maintaining the reign of instrumental reason.

A critical approach would examine the role of public education in maintaining New Class modes of domination. It would examine its impact on individual integrity, community life, and democracy. Murray eschews this kind of critique. His implicit endorsement of the American educational system stands in stark contrast to the vision of John Taylor Gatto, a former high school teacher and the most profound critic of public schooling since Paul Goodman. He writes: "School takes our children away from any possibility of community life — in fact, it destroys communities by relegating the training of children to the hands of certified experts — and by so doing it ensures our children cannot grow up fully human."[14]

Murray claims that in light of the specter of a confrontation with black racists and liberals, "society must take measures to insure its survival" (p. 192). It is not clear what he has in mind, but it is obvious what he does *not*: "a renewed populist alliance of average folks across racial lines to address their common problems."[15] He does not have in mind a transformation of our educational system and a process of "democratizing intelligence and virtue,"[16] so blacks and others can acquire the prerequisites needed to be active citizens. He does not even mention any of the values Piccone described as the ideals of both the populist movement and the New Left (before it became Stalinized): "direct democratic participation, economic justice, personal freedom and cultural autonomy."[17] Yet his review, obsessed as it is with issues of social mobility, is singularly lacking the spirit of civic virtue — the concern for the common good. In sum, although Murray decries the revolt of the (black) masses, ironically his own essay is a sordid example of the revolt of the elites and the betrayal of democracy.

---

14. John Taylor Gatto, *Dumbing Us Down: The Hidden Curriculum of Compulsory School*, (Philadelphia: New Society Publishers, 1992), p. 14. In the same essay he writes: "Look again at the seven lessons of school teaching — confusion, class position, indifference, emotional and intellectual dependency, conditional self esteem, surveillance — all of these are prime training for permanent underclasses, people deprived forever of finding the center of their own special genius." Ibid., p. 18.
15. Greene, *op. cit.*, p. 141.
16. Lasch, *op. cit.*, p. 73.
17. Paul Piccone, "Postmodern Populism," *Telos* 103 (Spring 1995), p. 80.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

# *Race and Bad Social Science: Reply to Murray*

David Ost

The first part of a rebuttal to Hugh Murray must be *ad hominem*, since Murray himself argues *ad hominem* whenever he can. Murray is a very angry man. He feels he has been discriminated against because he is white. It seems to be the key factor shaping his ideas, informing all his writings. "My mother graduated from eighth grade," writes Murray, "my father quit school after the third. I was the first in the family to attend the university. And while I have taught at universities and published in countless journals, whenever I apply for a teaching post, the main questions come down to my race, my gender. . . . Story after story, I am denied work because I am white and male."[1]

Murray's lament is reminiscent of a young writer in Russia in the early 1980s who wrote stories about contemporary life and sent them out to literary journals. But the manuscripts were always sent back, with (at best) polite notes saying "not suitable for publication." The writer, of course, knew better. He was the victim of discrimination! He was not being published because he was opposed to communism! In public, his friends allowed him his conceit. In private, they said, "Have you read his stories? The reason he has not published is not because he is politically suspect. It is just that he is a bad writer."

Murray seeks to exact his revenge against the blacks and liberals who, he is convinced, deny him his job. A reading of his work makes it clear why universities do not hire him. His problem is not affirmative action, but weak social science, unfamiliarity with the new literature on race, and claims that seek to persuade by insistence rather than argument. In two recent essays,[2] Murray's argument can be reduced to a claim that America is undergoing a new era of racism, this time on behalf of blacks and women and directed against white males. He adds nothing to what legions of conservatives write. But his deserves a response because it trots out the standard apologies for today's fashionable "color-blind" attack on the social policies of the past three decades.

What can one say to someone who actually denies that blacks face

1. Hugh Murray, "Balance Or Justice? Reply to Ost," in *Telos* 103 (Spring 1995), p. 177.

2. *Ibid*, and "Race and Social Science," in *Telos* 105 (Fall 1995). The first essay is ostensibly a reply to an article of mine, "Search for Balance," in *Telos* 101 (Fall 1994), though I mentioned Murray only in a footnote.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

systematic disadvantages due to the color of their skin? "Of course there *is* racism in America," writes Murray. "Most of this racism, however, is anti-white."[3] One wonders how many stories of institutionalized or prosaic everyday racism it would take for Murray to see otherwise. There is not a word here of the many accounts of black professionals who speak of the racism they experience every day of their lives. Every so often, some newspapers do a test where they send equally skilled and equally presentable whites and blacks to the real estate agent or the local super, asking for places to rent or buy. And every single result has the real estate agent telling the white applicant that housing is available in a unit or area for which the black applicant was told there was no room. Newspapers run tests with employment agencies too, and the typical result is that the white candidates are steered to the better job than the black ones. Andrew Hacker tells the story of how black women are regularly denied employment as dental assistants: whites, it seems, do not want blacks putting fingers in their mouths. For Murray, none of this matters. He *knows* there is no racism against blacks and the only racism today is directed against whites. He knows because he is white and he cannot find a job.

Murray's personal odyssey is representative of a larger social process. In times of economic expansion, majorities are usually willing to allow "others" in. At times of economic contraction, when majorities themselves face hard times, "others" are discovered to serve as a foil for their rage. It is no accident that "welfare queens" were discovered only as whites began losing their manufacturing jobs. It is no accident that immigrants are welcomed when the economy is growing and attacked when jobs go overseas. It is no accident that Murray fought for civil rights as an up-and-coming student in the booming 1950s and hates affirmative action in the downsizing 1990s when he himself cannot find a job. His articles make sense, but only as personal pathology, not as social science.[4]

There is nothing more dangerous than a self-pitying majority. As everyone knows, the horror, torture, and dismemberment of Yugoslavia was carried out by nationalist Serbs. Serbs protest: "What about Bosnian Muslim nationalism?" What made Serbian nationalism more dangerous than Muslim nationalism is that only

3. Murray, "Race and Social Science," *op. cit.*, p. 177. This sentence, of course, allows that there is some other kind of racism. But against whom (Asians, Hispanics, maybe even blacks?) Murray does not say. In any case, in all his articles on race for *Telos*, he has yet to cite any kind of anti-black racism existing in the US.

4. Murray, of course, also writes a great deal in defense of "qualifications," as if such a thing can be measured by test scores. There are numerous problems with this. For example, is a fireman's son who scores high on a firefighter entry exam really better qualified than the son of a janitor who scores lower? Why is someone who learns something in the family "more qualified" than one who can learn it tomorrow in the training course? The bigger problem, however, has to do with the implications of the cult of qualification. Murray claims to be against a technocratic society, but his proposed society, where artificial "test scores" count for everything, would be the most horrible technocratic nightmare imaginable.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

the Serbs were in a position to destroy the country. Only majorities can wreak terror on minorities. That is why democratic constitutions always try to put brakes on the power of majorities. That is why Serbian nationalism was so much worse than Bosnian Muslim nationalism. That is why black nationalists are not as dangerous as white supremacists. Murray can cite all the nasty Farrakhan remarks he wants, but the racialized American nationalism put forth by people like Pat Buchanan will still pose more of a danger to democracy than the Nation of Islam. It makes a big difference that the Nation of Islam cannot come to power in the US, while Buchanan can. The rage of minorities is always part of an internal dialogue that concerns not how to "seize power," but how to survive. The reflexive anger of minorities does not mean they reject everything about the world they live in but, rather, that they want to have a stake in it. When they cannot get that stake, they often resort to "identity politics" as compensation. If German Jews in the 1930s said all Germans should be strung up, it would still be wrong and anti-Semitic to lump them and the Nazis together as equally dangerous racists. This does not mean one should stand by and let Farrakhan's venom go unanswered. It means that in the real world, not all angers and hatreds are the same.

Weak social science is even more on display in Murray's discussion of race. Throughout his articles, he uses the category as if it is absolutely clear just what race is. He assumes it is a simple, non-problematic, biological category. Even the most cursory glance at the historical record, however, will show how race is, above all, a social construct. Of course, before the time of transoceanic exploration, it had some validity. But biological "purity" was long ago destroyed by conquest, slave-taking, and mass rape. For the past several hundred years, "race" has been a cultural artifact, not a material thing.

Take the category "black." Murray, like Charles, treats this category as if it had a clear empirical content. Does it? How is it that someone who is "white" in the Dominican Republic becomes "black" in the US? Does the infamous "drop" of black blood that makes someone black in the US have biological consequences in this country that disappear when the individual steps across the border? One can appeal to "objective test scores," but the cultural construction of race means that test results will reveal different biological truths depending on the country in which they are administered.

What about "white"? Is it clear what a white is? Are Jews white? They have not been always so. Are Irish white? Many Americans consider Irish about the "whitest" of all. ("Of course they are white, what with the red faces and all," said one student of mine, unaware of the irony of his comment.) In the mid-19th century, however, when the Irish came to this country, "native" white Americans *denied* that the Irish were white.[5] Some saw them as part of a separate race, possibly originating in Africa. One Whig writer claimed the Irish had "prehensile paws" instead of hands. When Slavic immigrants arrived soon after, they faced similar challenges to their "whiteness."

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Clearly, this was not a dispute about biology. Rather, it was a skewed response to the emergence of industrial capitalism and the collapse of the artisan economy. Defining a people as non-white in the US meant they could be paid less, barred from trade unions, kept from competing for "good" jobs. The latter were reserved for "whites." This is why the conflict over whiteness became so fierce. The record clearly shows that "whiteness" was not attributed automatically, according to complexion or other physical features. It was a status successive immigrant groups had to earn. In other words, it was socially constructed.

There may well be another social construction of race in the next few years. The numbers of whites and blacks in the US are calculated according to the census, which is based on individual responses. Thus, racial statistics are derived exclusively from people's self-perception. Nothing biological here. If the "multiracial" category is approved for the 2000 census, soon afterwards there will undoubtedly be studies showing comparative test scores for "whites," "blacks," and "multiracials." Will that mean a new biological entity has been created?

White racism is so potent because it is based on three hundred years of assumption of black inferiority. Blacks were considered inferior by European explorers for the simple reason that the Europeans came and "explored" Africa, and not vice versa. They looked at Africa from their own particular historical perspective and pronounced it a vast wasteland. They did not know anything about African history. According to Basil Davidson, pre-colonial Africa developed a political system consisting of stern, hierarchical, self-governing communities ruled over by an imperial kingdom.[6] It had developed its own rules and system of governance not so different from those of contemporaneous colonial Europe. It was as ordered and as horrible a system as existed in Europe, but the Europeans did not know this. They rarely ventured inland. Africans did not have a written history. Europeans stayed on the coast and made deals with traders and slavers, conceiving the heartland of Africa with a dread that continues to inform modern European views. Europeans took their fear and ignorance about Africa and turned it into a claim about the "inferiority" of black people.

Given the prominence of African civilization at a time when Europe was struggling through the "dark ages," a theory of black intellectual superiority could very well have been developed. It is an historical accident that no such theory has been put forward. Instead, Europe "progressed" and sent ships to "discover" the others, and told a story of intellectual superiority that has lasted hundreds of years. *Everyone knows this*. And that is precisely the point. People today live quietly with the knowledge that for hundreds of years blacks were

5. David Roediger, *The Wages of Whiteness: Race and the Making of the American Working Class* (London: Verso, 1991); esp. ch. 7, "Irish-American Workers and White Racial Formation in the Antebellum United States." Also see Noel Ignatieff, *How the Irish Became White* (New York: Routledge, 1995).

6. Basil Davidson, *The Black Man's Burden* (New York: Times Books, 1994.)

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

considered inferior, that there was "scientific proof" confirming this. This is the background to any discussion of race in America. No one needs to publicly articulate the claim that blacks are inferior. It is part of Western civilization.

Does it matter today? Of course it does. Cultural beliefs matter. Today, millions of people of color experience the humiliation of this assumption every day. It is part of the US cultural framework. It is part of the racist legacy that affirmative action has been designed to redress. One either challenges the claim openly or smuggles it in through the back door.

The best Murray can do is smuggle in the racist assumption through the back door. Thus, he says he takes an "agnostic" position on the question of intellectual inferiority.[7] It should be discussed openly, he says, without prejudice. Holocaust deniers, of course, say the same thing. And they make their academic points, too: since the Germans did not take roll call before gassing, maybe they only killed two million. Or maybe there was no holocaust at all. Let us debate it. Maybe we should also debate whether slavery in the US should be reinstated. The errors of firm convictions are well-known. So maybe one should be "agnostic" about everything.

Murray, however, cannot restrain his less agnostic self. A quick reading of his articles shows that his professed agnosticism is only a politically correct disclaimer. His articles reek with venom and hatred. Blacks are never presented as regular working people. Instead, they are "coke-addicted black muggers and murderers," "ready to protest if the postman fails to deliver the welfare check on time."[8] Since he knows that such venom is not very convincing, Murray tries "science" instead. The "evidence collected," he writes, shows that blacks "are not as intelligent as other races."[9] He pays no attention to the voluminous critique written (also by "scientists" whom Hugh Murray claims to value so highly) against his namesake.[10] Nor does he confront the work of Stephen Jay Gould, who showed how even the most "rational" of scientists have smuggled racist biases into empirical experiments, thus allowing them to "prove" the inferiority they had suspected all along.[11] But Murray does not really want to debate biology and intelligence. He only wants to claim a "scientific" mantle to confirm his prejudices (and to justify his rage against not having a university job). The racist in Murray tosses out the venom; the quack social scientist takes refuge in "agnosticism." In the end, Murray combines poor history, weak scholarship, and misdirected rage into a diatribe that demonstrates nothing.

---

7. Murray, "Balance or Injustice," *op. cit.*, p. 174.
8. Murray, "Race and Social Science," *op. cit.*, pp. 188-189.
9. Murray, "Balance or Justice?" *op. cit.*, p. 174.
10. Russell Jacoby and Naomi Glauberman, *The Bell Curve Debate* (New York: Times Books, 1995.)
11. Stephen Jay Gould, *The Mismeasure of Man* (New York: Norton, 1983.), esp. Ch. 1.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

# *Response to Gottfried, Farber and Ost*

Hugh Murray

***Gottfried on the Civil Rights Movement***

Like John Skrentny,[1] Paul Gottfried sees in the Civil Rights Act of 1964 the seeds of Affirmative Action, racial and gender asides, quotas, goals and timetables. He contends that this was "the likely way that the Act would be interpreted." But an act written in part in the office of Republican Senator Everett Dirksen and amended by the conservative Texas Republican John Tower was not necessarily, nor even likely, to be converted into the AA commissariat machine. Because it turned out that way, does not mean this was the only, or even the probable, outcome.

There was a dire need for the Civil Rights Act of 1964 because employers, particularly in the South, refused to hire blacks even when they were better qualified than whites. But more to the point, restaurants and lunch counters would not serve blacks. In some states, even if a movie theater owner were sympathetic to integrating his cinema, the state law forbid such race-mixing. "Porgy and Bess" was cancelled at the New Orleans Municipal Auditorium because it had an interracial cast — forbidden by law. Particular states denied basic civil rights and equal opportunity to blacks. This is why the bus boycotts begun by Rosa Parks, the sit-ins, the Freedom Rides, and Martin Luther King, Jr. had such impact. The 1964 law was passed to end discrimination and implement equal *opportunity*. Recall, the EEOC is not Equal Employment Results Commission. The civil rights community endorsed the 1964 legislation. If King called for quotas in 1965, that was after the color-blind legislation had been enacted. Indeed, Skrentny contends that King often combined demands for government aid to blacks with appeals for government aid to poor whites.[2] Some civil rights leaders, such as Bayard Rustin, continued to oppose affirmative action into the 1970s.

The Voting Rights Act was passed because it too was deemed necessary. Since 1900, black citizens had been denied the vote in much of the South. In New Orleans in the 1950s, registrars asked trick questions to discourage voters. In some states, literacy tests were administered, but not to confirm the literacy of the potential voters. Blacks were required to interpret esoteric passages of the state's constitution to the satisfaction of the registrar, usually, one determined to remain dissatisfied to prevent blacks from voting. Most Americans found such

1. John David Skrentny, *The Ironies of Affirmative Action: Politics, Culture, and Justice in America* (Chicago: University of Chicago Press, 1996).
2. *Ibid.*, pp. 33-34, 96, 231-32.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

practices so unfair and in violation of the 14th Amendment to the Constitution, that the Voting Rights Act of 1965 was passed. True, the 1982 amendments to the Act violated the color-blind ideal of the original legislation, and opponents of American representative, democratic government, such as Lani Guinier, have pressed for more radical and racist interpretations of the amended legislation. However, even President Clinton withdrew Guinier's nomination to the Justice Department and, more recently, the US Supreme Court has ruled against some of the more outlandish geography of the race-based voting districts.

Gottfried claims that the European civil rights and quota systems followed US legislation. However, affirmative action as understood in the US is not government policy in the United Kingdom. British civil rights law is more akin to the original meaning of the 1964 US legislation. Moreover, in much of Europe the quota system preceded enactment of the 1964 law. East European nations had enforced quotas for particular "peoples" since Stalin's days. Indeed, some of the anti-Semitism of the Soviet Union was nothing more than the government's requirement that a "fair share" of all peoples be admitted to university, and the professions of medicine, science, and the arts. That the Stalinist ethos has outlived the Soviet Union and its quota systems have spread to the US is no reason to indict the anti-quota, color-blind American Civil Rights Act of 1964.

Gottfried is right in claiming that it is as difficult to judge "intentional" discrimination as it is to determine other motivations. However, the law was specific on how intentional discrimination was *not* to be judged — disproportional numbers of groups in the workforce were not to be used as proof of intentional discrimination. Without the model of proportionality, the EEOC could not aim for quotas through goals and timetables. Also, the 1964 law had forbid preferences for majorities, minorities, or women. This still sounds just.

***Farber's Revolt of the Elites***

Seth Farber begins by restating the "truths" of social science — the war on drugs is racist, forcing many young blacks into the criminal justice system which breeds criminality. Thus, many young blacks are unemployed, especially as manufacturing jobs with decent pay have deserted the inner cities. Moreover, because of affirmative action, the black middle class has also evacuated the ghettos, leaving the black underclass devoid of role models, leaders, and community organizations. The result is young black men remain in gangs longer, pathologies multiply, and a third of all blacks live in poverty. As I appear oblivious to such certitudes, Farber wonders if I have "ever taken a walk through the South Bronx." In fact, I lived for nearly a year in the black ghetto section of Crown Heights, Brooklyn. Although it was some time ago, its racial composition was much like it is today. Rent was cheap, but other services were more expensive. Around the corner at the cleaners, I had to place my trousers through a bullet-proof window, because of crime. The little Arab store on the corner always

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

seemed to have numerous Arab brothers there, allegedly with baseball bats to keep criminals away. Crime made life harder for the poor, honest people of the ghetto — the vast majority of whom were black.

In the summer, windows were open, but teens were on the streets all night making noise, car alarms sounded constantly, and it was difficult to sleep. I had a temp job, 2-10 pm. Around noon, when I needed to shower before leaving for work, there was no water on the second floor because the fire hydrants had been opened. Spike Lee may romanticize such dangerous practices, but the women who had to go out each afternoon and argue and beg the teens to close the hydrants so they could cook dinner probably thought otherwise. Teens and gangs were running the neighborhood, making it difficult for responsible, honest adults (and similar teens). Government should have cracked down, but liberal government does not dare. I left Crown Heights after being mugged and having my jaw broken.

After a motoring accident in which a black child was killed on the same block where I once lived, anti-Jewish riots began. It was the largest pogrom in American history and lasted several days, culminating in the stabbing death of rabbinical student Yankel Rosenbaum by a black youth, Lemerick Nelson. Though the assailant was identified by the dying man, and blood on Nelson matched that of the victim, a minority jury acquitted Nelson, and attended his victory celebration.

In the Midwest, there are similar problems. Nearly 3 years ago, when an agency with government money bought the apartment building in which I now reside, new tenants moved in: two black men in their early 30s, into two apartments across from each other, two doors down the hall from me. The larger man would beg in the halls; he offered to sell food stamps. I soon had additional reasons to be offended when I realized he was dealing drugs. For two years I was insulted by him and his unending stream of clients, who were coming and going at all hours. Though mostly black, some of his customers were white. He was on SSI — probably another reason social security may go bankrupt. Occasionally, I would call the police to complain about the drugs or when he threatened the white woman in the apartment between us. His smaller buddy fell back to using drugs and demanded money from "the white bitch" next to me. When she refused, he squirted lighter fluid around her door, mine, and his friend's. Only after the fire in the hall did police arrest him and he was evicted. Then, after two years, and more threats, the dealer himself was evicted. But the poor and honest of all races in this building had to live in fear and danger because elite liberals desire to display "compassion" for criminals and refuse to crack down on crime.

Because I am all too familiar with poverty, I reject the "exclusionist" view according to which poverty causes crime. The opposite is true: crime causes poverty. If poverty and racism caused crime, the ghettos of the Great Depression would have been far more crime-ridden than today's. What is needed in the ghettos is a war on crime — the major growth "industry" since the 1960s. Republican liberal Jack Kemp would divert millions of dollars into high-crime

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

neighborhoods subsidizing his Enterprise Zones. That is precisely the wrong solution. Instead, government should crack down on crack and crime and reestablish legality in the ghettos. It should liberate them from the criminals and gangs. It should make the ghettos safe, and business will rise naturally, without government subsidies.

Farber claims that the war on drugs is racist and that most users are white. This is questionable, but something that cannot be settled at this time. He alleges that the criminal justice system is racist. I agree — look at Lemerick Nelson in Crown Heights and O. J. in California. It is whites who can no longer anticipate justice from the system. When Farber writes about democratizing intelligence, I am bewildered. Intelligence is no more democratic than beauty or athletic ability. Nevertheless, schools should democratize the skills of reading, writing, and mathematics, teaching them to all pupils willing to learn. Government may be unable to instill civic or any other virtues in all its citizens, but it can make reasonable laws and punish those who disobey them. At any rate, Farber's title utterly distorts my view. I am engaged in a revolt against the elites — against the liberal corporate elite, the liberal media elite, the liberal academic elite.

***Ost's Race and Bad Social Science***

David Ost contends that the category "black" is indefinite and that a black in the US might be considered white in the Dominican Republic. Racial classifications may be hazy, but it is neither I nor Charles Murray who make such legal classifications but rather the US government — and awards or punishes individuals because of these categories, hazy or not.

Ost's rhetoric cannot disguise his discomfort at having his beliefs challenged. He writes that my article "deserves a response because it trots out the standard apologies for today's fashionable 'color-blind' racist attack on social policy of the past three decades." From the days of the Abolitionists through the civil rights movement of the 1960s, the struggle *against* racism in this country has been the struggle *for* color-blind policies. Color-blind is the opposite of racist; they are antonyms. However, the left-wing ideologues of the mid- to late-1960s have attempted a series of Orwellian deceptions, and they have been all too successful. "Equal opportunity" was turned into its opposite — equal results; intentional discrimination was converted into its opposite, unintended statistical disparity; civil rights were suddenly not applicable to white men (as openly stated by Mary Frances Berry, chair of President Clinton's Civil Rights Commission); non-discrimination today is defined as preferences based on race, ethnos, and gender; and color blind now means racist. Ost's approach is not bad social science, for it is not social science at all. It is dogmatic ideology divorced from the real world.

Ost concludes that my "articles reek with venom and hatred. Blacks are never present as regular working people." First of all, he has obviously never read most of my articles, since I have no doubt he would ecstatically approve of

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

my condemnation of the government's anti-black policies in the 1930s[3] and of anti-civil rights, un-American activities policies in the 1940s and 1950s.[4] At issue here is not my "venom and hatred" (against whom?) but Ost's inability or refusal to see that my critiques of government policies today are consistent with my earlier articles. He tries to prove how Left he is, which today means to be "politically correct" and "multicultural," but such ideological charades are no substitute for real concern and knowledge about "regular working people" — black and white. They are not even a substitute for the Left. When there was a real Left, not only did I write extensively about the Scottsboro case, I was even thanked by Herbert Aptheker for help in more than one of his books on racism and the blacks.[5] But the concerns and problems of racism and the blacks are beyond sectarian ideological posturing, as I have tried to show in varius writings.[6] If Ost manages to get beyond such posturing, he might read a few of them.

---

3. I discuss the intense race prejudice of the 1930s in "The NAACP vs. the Communist Party: the Scottsboro Rape Cases, 1931-1932," in *Phylon* (Fall 1967), pp. 276-87 — a journal founded by W. E. B. Du Bois); "Scottsboro," in *New York Times Book Review* (June 22, 1969), pp. 34-35; "Aspects of the Scottsboro Campaign," in *Science & Society* (Summer 1971), pp. 177-92; *Civil Rights History Writing and Anti-Communism: A Critique* (New York: AIMS, 1975); "Changing America and the Changing Image of Scottsboro," in *Phylon* (March 1977), pp. 82-92; review of Charles Martin's "The Angelo Herndon Case and Southern Justice," in *Journal of Ethnic Studies* (Winter 1977-78), pp. 90-93; review of James Goodman's *Scottsboro Stories*, in *Texas Journal of Political Studies* (Fall-Winter 1995-96), pp. 75-79; "Correspondence," in *American Historical Review* (February 1996), pp. 304-305.

4. See my *Civil Rights History . . . , op. cit.*; "Changing America and the Changing Image of Scottsboro," *op. cit.*; review of Richard Cortner's *A Scottsboro Case in Mississippi*, in *Labor History* (Summer 1987), pp. 402-404; "Du Bois and the Cold War," in *Journal of Ethnic Studies* (Fall 1987), pp. 115-24; review of Barbara Griffith's *The Crisis of American Labor: Operation Dixie and the Defeat of the CIO*, in *Florida Historical Quarterly* (Summer 1989), pp. 116-18; review of Martin Duberman's *Paul Robeson*, in *Journal of Ethnic Studies* (Summer 1990), pp. 125-42.

5. See the introductions to Herbert Aptheker, ed., *Annotated Bibliography of the Published Writing of W.E.B. Du Bois* (New York: Kraus-Thomson, 1973); Herbert Aptheker, ed., *The Correspondence of W.E.B. Du Bois*, Vol. II (Amherst: University of Massachusetts Press, 1976); and Herbert Aptheker, ed., *Against Racism: Unpublished Essays, Papers, Addresses of W.E.B. Du Bois* (Amherst: University of Massachusetts Press, 1986).

6. See my "Inadequate Study of CORE," in *Freedomways* (also founded by Du Bois) (1st quarter 1974), pp. 62-66; "The Struggle for Civil Rights in New Orleans in 1960: Reflections and Recollections," in *Journal of Ethnic Studies* (Spring 1978), pp. 25-41; review of Carl Brauer's *John F. Kennedy and the Second Reconstruction*, in *Science & Society* (Winter 1978-79), pp. 499-501; review of James Farmer's *Lay Bare the Heart: An Autobiography of the Civil Rights Movement* in *Journal of Southern History* (May 1986), pp. 326-27; "Change in the South," in *Journal of Ethnic Studies* (Summer 1988), pp. 119-36; review of Hugh Davis Graham's *The Civil Rights Era*, in *Over Here* (Winter 1992-93), pp. 95-103; "The Road to Olympism," in *Virginia Quarterly Review* (Spring 1993), pp. 353-57; and "To Win These Rights," in *Virginia Quarterly Review* (Winter 1996), pp. 183-88.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

# *Affirmative Action and its Discontents*

Moishe Gonzales

If there is life elsewhere in the universe and its level of development is as backward as its terrestrial counterpart, they will probably have sociologists and political scientists constructing and deconstructing social reality. If and when they finally make contact with earth, these pundits will have great difficulty making sense of American race relations, no matter how many studies the Federation will commission to make sense out of the subject. The earth's most developed country, whose success is largely due to its heterogeneity, pragmatism and common sense, does not seem able to deal with differences in skin pigmentation, to the point that its best intellectuals systematically make fools of themselves in explaining it.

Far from being about peripheral policy details, however, debates concerning race actually go to the heart of one of the most important political questions today: the possibility of social engineering long-standing racial conflicts out of existence. While there has been a wide consensus for several decades concerning the elimination of institutional discriminatory practices based on race — a consensus that grew out of the 1960s civil rights legislation — what has remained unsettled is what to do about the effects of past injustices. Can they be remedied and, if so, how? Are these past injustices responsible for lingering inequalities between social groups and can these differences be remedied through social engineering? Furthermore, if past institutional practices have caused great harm to some groups, should they not be compensated according to standard legal precedents? *If* these social injustices can be socially engineered out of existence and it is at all possible to compensate its victims, then measures such as affirmative action or even outright "reparation" would seem warranted.

The problem here is that such remedial preferential policies would benefit individuals who are not the ones who suffered the original injustice. In addition, the people who end up bearing the costs of this "reparation" are not the same ones responsible for the damage.[1] Thus, it is not surprising that people such as Hugh Murray, who spent much of their political life struggling for civil rights at great personal costs, are outraged to find themselves explicitly discriminated against in employment by government-sponsored affirmative action policies identical to the ones he once fought to eliminate. Embittered by these new discriminatory experiences, it is also not surprising that Murray has no patience

1. This is why not *all* preferential treatment is necessarily illegitimate. Thus, e.g., in the case of war veterans, they constitute a clearly *identifiable* group of individuals who, by serving in the military and risking their lives, performed *definite* deeds for a legitimate collective objective warranting collective compensation.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

with dubious "social-scientific" apologies for these policies or for related Orwellian discussions on race — especially when it comes to condescension and double standards concerning obvious instances of racism by minorities. The uproar caused by his review,[2] ranging all the way from the standard charges of "racism," routinely hurled at anyone minimally critical of minorities' behavior as a group, to charges of misinterpreting history and practicing selective compassion, testifies to the hypersensitivity of this debate.

Paul Gottfried objects that, contrary to what Murray claims, the civil rights movement was never meant to achieve merely formal equality and social justice, but was part of a broader long-standing conspiracy to impose a managerial-therapeutic state in the US. This sounds all too familiar. It bears an uncanny resemblance to the infamous Cold War-vintage "international communist conspiracy." In interpreting the outcome of the civil rights movement as the inevitable result of the participants' original intentions (by deducing them from the results they allegedly produced and without providing any substantial evidence for the widespread pre-existence of these intentions), he commits the genetic fallacy. As Murray points out in his reply, there was indeed considerable racism in the US and, as James Miller has chronicled in his book on SDS,[3] most people involved in the civil rights movement simply sought to have the US abide by its own codified laws to uphold its ideals of justice. Undoubtedly, there were other people in it with extraneous agendas, and maybe the problem of institutionalized racial discrimination could have been dealt with by other means not necessarily involving greater government intervention or ambiguous legislation. Yet, from the fact that such a legislation was instrumentalized by a hyper-statist elite after the passage of the Civil Rights Act of 1964, it is unwarranted to infer that from the very beginning it was part of a collectivist New Class conspiracy to subvert American society. While constitutionally-problematic post-1964 statist policies mandating gerrymandering of voting districts, imposing *de facto* racial and gender quotas by intimidating corporations and universities with catastrophically expensive federal law suits and/or loss of financial support, and arbitrarily deploying federal law to undermine allegedly "inadequate" local jurisdictions can all be seen as mere extensions of bipartisan New Class efforts to impose a corporatist social order in the US dating back to the Civil War or at least the New Deal, it is far fetched to see all these developments as part and parcel of a general plan to construct an American version of "Brave New World."

Seth Farber's objections to Murray are even more confused. From the fact that affirmative action does not benefit the black underclass, he infers that Murray should not criticize affirmative action. But if affirmative action does not do what it was designed for, it is unclear why it should not be criticized for what it

2. Hugh Murray, "Race and Social Science," in *Telos* 105 (Fall 1995), pp. 173-192.
3. *"Democracy in the Streets." From Port Huron to the Streets of Chicago* (New York: Simon & Schuster, 1987).

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

does *badly*. Moreover, Farber claims that criticizing affirmative action demonstrates a lack of compassion for poor blacks. Because of the "extreme violence" of the American social system, he thinks that crime — mostly by blacks against other blacks — should also not be criticized. Farber goes on to make even more outrageous claims, such as that ghettoes are created by the welfare bureaucracy, criminality by the penal industry, and drugs by the anti-drug wars. Even if the welfare bureaucracy, like all bureaucracy, has a vested interest in its own growth and self-perpetuation, that does not mean that all problems in poor families are institutionally-generated. Similarly, black criminality is not a racist fiction, nor is it plausible to think that it is caused in any significant degree by a greedy and increasingly privatized "correctional" industry. At any rate, even if all of Farber's claims were true, that would not make affirmative action any more just, desirable, or legitimate. Nor, as Farber also seems to think, would an elaborate attack on meritocracy make affirmative action any more defensible.

Even more than Gottfried's and Farber's, David Ost's objections to Murray show the extent to which race problems can temporarily blind otherwise sensible critics and lead them into spinning all kinds of bizarre paralogisms. Ost deploys *ad hominem* arguments i.e., arguments made against the author of the claim instead of the claim itself, and justifies them on the ground that so does Murray. But Murray's arguments are not *ad hominem*. While they are supported by personal anecdotes whose relevance is not always immediately obvious, Ost's reply is definitely *ad hominem*. He reduces the debate to the personal level by speculating that Murray's objections to affirmative action are due to his failure to secure an academic job. It is both inappropriate and unwarranted to speculate that, since Murray did not secure an academic position, it must be due to "weak social science, unfamiliarity with the new literature on race, and claims that seek to persuade by insistence rather than argument." Ost fails to demonstrate any of this and bases such judgment on the simple fact that Murray approaches problems of race differently and draws conclusions diametrically opposed to his own.

On a more substantive level, when Murray claims there is no longer any *institutional* racism in the US, Ost cites examples of *personal* racism as a rejoinder. While there is little doubt that discrimination predicated on all sorts of irrational criteria remains a significant feature of everyday life (and it is difficult to end such practices through persuasion, examples, or other informal means), legal sanctions can only be applied within a carefully limited public domain. Civil society — that concept so dear to born-again liberals — allegedly operates independently of the state and is thus is a domain allowing people to hold, within narrow and reasonable legal constraints, a very wide range of beliefs and preferences. In other words, beliefs and *private* decisions concerning race, gender, national origin, etc. are properly outside official regulation. Thus there is no contradiction in claiming, with Murray, that *institutional* racism has been abolished, while admitting, with Ost, that *personal* racist attitudes and beliefs continue to exist.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

The problem with policies dealing with racial issues is that they are not based on any clear, systematic analysis of the sources and stubborn persistence of racism. This is probably due to the fact that there is no broad social consensus concerning the sources of racism, seen variously as either a natural predisposition (by some conservatives), a historical fluke connected with the vagaries of the rise of modernity (most neo-conservatives), or an irrational belief in white superiority due to the culture industry (by practically all liberals). Government policy is thus often predicated on two enthymemetic but characteristic Enlightenment assumptions: homogeneity and proportional representation. Since people are *in fact* vastly different, within the context of social policy the concept of equality must be understood solely in legal terms. Thus to presuppose that various racial, national, religious or gender groups should be roughly represented proportionally in jobs, schools and other public areas — and that lack of such proportionality constitutes *de facto* evidence of unjustified discrimination — is to assume a *factual* concept of equality. These two assumptions are the source of most of the confusion surrounding affirmative action policies.

Ost's confusion of the personal and the institutional level leads him not only into defending the continuation of policies addressing institutional problems which no longer exist (or are rapidly disappearing), but into apologizing for minority racism by distinguishing minority and majority racism.[4] Having blurred the distinction between the public and the private, Ost further confuses racist views with their potential socio-political consequences, thus implicitly conceding Murray's point concerning liberal toleration of racism among minorities. Allegedly, minorities cannot be racist. Why? Because minorities have little or no power and thus can cause little harm. But all majorities begin as minorities. Does their hatred become more racist as they grow larger? Was *Mein Kampf* not really dangerous in 1924, because at that time Hitler was only the leader of handful of beer-drinking bums? Here Ost's apology for Farrakhan is particularly inappropriate. The Nation of Islam is predicated on pan-African nationalism. Unlike Ost's model minorities whose "reflexive anger" is allegedly meant to express the fact that they "have a stake" in "the world they live in," this particular group is

4. Ost's argument deteriorates even further within the interstices of his footnotes. Thus, in trying to defend affirmative action in the hiring of unqualified applicants he argues that if a fireman's son happens to know how to put out fires because his father taught him, this is no reason to hire him over a janitor's son whose familiarity with fires does not go much beyond his boy-scout training in rubbing sticks together. After all, he can take a course and learn fire-fighting techniques tomorrow. This is good news indeed. The only problem is the janitor's son's low self-esteem: why bother with a fireman's job when, applying the same logic, he could become a nuclear scientist or a brain surgeon? He should not be deterred by what Ost derides as "the cult of qualifications": a few hundred courses tomorrow, or the next day, or the next few years should readily bring him up to par. But if such is the case, why bother with qualifications at all? Here liberal moralism threatens to subvert the last vestiges of formal rationality by leaving everything up to the whims and the decisionism of the state apparatus in general or the affirmative action bureaucracy in particular.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

separatist and has no intention of participating in a pluralistic society.[5]

Ost devotes most of his reply to demonstrating that race is a social construct. The relevance of this claim in discrediting Murray's argument is not immediately obvious. Whether race is a biological, social or mythological category does not matter for Murray's argument, as long as it is a discriminating criterion used by government in implementing affirmative action policies. If anything, the demonstration of the "socially constructed" character of race is further evidence for Murray's plea for color-blind policies. Ost thus ends up in a double bind: he wastes a lot of time deploying *bad* arguments against undefined claims Murray never made. The claim that race is a social construct is either trivial or false. Since, however, this kind of argument has become widespread within academic circles, it is useful to refute it, independently of the fact that it has absolutely no import to debates concerning affirmative action.

Ost's claim is trivial if it means that race, like all concepts, neither grows on trees nor falls from the sky, as the now-seldom-quoted Great Helmsman used to say, but is a human product. That concepts such as race are produced by or within particular cultures under specific historical conditions has absolutely no normative import. Since this is true of *all* concepts, it does not distinguish the concept of race from any other — including that of "social construction." Ost must mean something else, i.e., that race is an arbitrary or "ideological" concept by virtue of its being socially constructed, and that there are other, more respectable concepts which are not socially constructed, hence legitimate and not tainted by ideology. This claim, however, is obviously false. To show that that something is "socially constructed" does not mean that it is either arbitrary or ideological.

Here Ost betrays the extent to which he and those who make similar arguments still rely on a crude mechanical-materialist epistemology. This is not the time or the place to rehash all the problems associated with the old distinction between the natural and the social sciences, Vico's foundational distinction between history and nature, or to attack the naive realist position that some objects — presumably those in the natural sciences — come equipped with the concepts describing them so that they need not be constructed but simply picked as if they were flowers in the spring. The latter view would have a tough time explaining why it took thousands of years and Newton's genius to acknowledge the existence of as simple a concept as "gravitation." Suffice to say the fashionable deconstructive strategy of indicting something as a social construct not only fails to demonstrate its arbitrariness and contingency, but also to relegitimate, on

5. Ost goes overboard when he further compares Farrakhan favorably to Buchanan. This is outrageous. Notwithstanding his frequent boisterous, not-always-altogether-politically-correct remarks on the subject of race, Buchanan is no racist. It is no accident that he was one of the very first to dismiss the implications of Herrenstein's and Murray's book as irrelevant on the grounds that civic virtue, success, etc. are a function of character rather than what a bunch of psychologists happen to arbitrarily define as "intelligence." Farrakhan and his followers, on the other hand, do in fact hold racist views.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

a higher level, the primacy of the economic base and, more generally, the old Marxist structure-superstructure distinction which, after 1989, became the "love that could not speak its name" in polite academic circles.

Sure enough, a careful reading of Ost's critique readily reveals that he does not believe all concepts are social constructs. The same goes for "the record," which allegedly shows all sorts of wonderful things necessary to support his argument. According to his narrative, these are in no way arbitrary and, therefore, can be used to explain the fictitious character of other "social constructs." Here simple, immediately recognizable characteristics such as skin color have become arbitrary social constructs, while abstract ideological constructions such as "the emergence of capitalism" or "the collapse of the artisan economy" — concepts spawned by extraordinarily complex and highly contentious theoretical frameworks — have become real. This looks surprisingly similar to the good old objective idealism of orthodox Marxism! The only difference is that, instead of scapegoating capitalism, the culprit has grown into nothing less than an inherently racist "Western civilization." How affirmative action, a confused and counter-productive policy that has not even been able to do much good for the underclass, can contribute to the overcoming of the racism of Western civilization remains unclear.

Ost sees racism as something like an ideological mad cow disease necessitating the extermination of the entire cultural herd. After all, according to Ost Western civilization is only one among many. Not so long ago, just before the colonial era, "at a time when African civilization was [prominent and] Europe was struggling through the 'dark ages'," it was a fluke that no theory of African superiority developed. But comparing civilizations is a hopeless self-legitimating task, since what constitutes "higher" and "lower" are a function of idiosyncratic criteria inextricably part of the particular culture making the call. At any rate, this claim is patently absurd and shows the extent to which modern liberal education, by ignoring the history of the classics and creating the impression that practically everything began when *les philosophes* turned on the Enlightenment, has led to an appalling ignorance of pre-Enlightenment history. One need not be a medievalist to realize the cultural wealth of the so-called "dark ages" and the extent to which they may be compared, probably unfavorably, with oriental civilizations, but certainly not with Africa — even if one were to limit oneself to relatively superficial criteria such as social and political organization.

What seems to really bother both Ost and Farber is that American society (Western civilization is obviously thrown in only for rhetorical overkill) is so racist to require a major overall impossible to undertake within the present political climate. So, for the time being, puny policies such as affirmative action will have to do, pending more radical measures later on. Hesitation concerning this demand is then treated as equivalent to Holocaust revisionism. Yet the main claim is left undefended, as side issues take center stage. When all is said and done, the claim is indefensible and, among other things, cannot account for obviously non-racial

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

aspects of society, including the existence of affirmative action policies. Similarly, it does not help to deploy epicycles such as "unconscious racism" and "institutional racism," since they are allegedly so pervasive that there could be no exceptions. Even those striving to be objective and procedurally fair cannot avoid being racist. Thus the claim excludes in advance any possibility of falsification and, as a result, degenerates into a mere dogma impossible to question in principle.

Here the more immediate problem is that the only defensible and reasonable version of affirmative action is as a mechanism to encourage and monitor competition for positions and opportunities. Thus its objectives would not be to allocate rewards on the basis of any characteristics but to ensure that candidate pools were open and decisions were made according to fair procedural guidelines. Any effort to extend this modest policy by "trumping" formal procedures as in, e.g., statistical patterning of results, is improper and risks harming both those the policy is supposed to benefit as well as those who will suffer from it. Consequently, the policy tends to be either redundant or doomed to fail on principle. It is redundant in that it simply duplicates existing legal statutes already guaranteeing equal treatment. If, on the other hand, it is argued that those legal statutes are in fact often circumvented by racially motivated decision-making, so that it is necessary to have additional control mechanisms to ensure fairness, it is not clear how this racially motivated decision-making can be prevented from circumventing even the new control mechanism of affirmative action. *Mutatis mutandis*, if affirmative action can somehow checkmate this racially motivated decision-making, why not simply strengthen existing statutes so that they can become as effective as affirmative action? What often happens, however, is that this seemingly trivial version of affirmative action is combined with Ost's and Farber's assumption of omnipresent pervasive racism, and any decision minimally unfavorable to minorities is automatically branded as racist. The result is the present situation of universal suspicion. Minorities end up perceiving any unfavorable decision as merely another instance of clever racist circumvention of fairness, while those not falling into any of the protected groups see unfavorable decisions affecting them as reverse discrimination resulting from preferential treatment afforded by affirmative action.

It is impossible here to discuss theories of racism other than by reiterating that racism is a form of discrimination that regards a morally irrelevant feature of a person as justification for differential treatment. Historically, this kind of discrimination in the US has been inextricably bound with slavery and the way it was abolished. From the very beginning in the 19th century, the question of race was never resolved by *democratic* means, by reaching a broad national consensus, but instrumentalized in order to achieve nation-building objectives. Thus slavery was abolished primarily as an epiphenomenon of a broader agenda culminating in a bloody Civil War. The homogenizing consequences of this war generated considerable resentment which, forbidden from the new *post-bellum* political discourse imposed from Washington, remained displaced as racial

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

hatred originally localized mostly in the South, but later generalized countrywide — especially in the wake of subsequent state efforts to implement the homogenizing agenda. Since that time, as Larry A. Greene puts it, discussions of race "have been less than candid" and predicated on hidden agendas.[6] The literature on the subject is too extensive to be mentioned, much less discussed here. A short review of the latest instance of this deceptive history, however, should illustrate the peculiarity of the so-called "American dilemma."

Consider the recent "bell curve" debate. All the heat it has generated has very little to do with IQ test results presumably meant to measure some idiosyncratic definition of "intelligence." Rather, what is really at stake is a sophisticated challenge to the efficacy and efficiency of the federal government's efforts during the past thirty years to remedy social inequities allegedly caused by past institutionalized discrimination.[7] If, as Herrnstein's and Murray's book argues,[8] there are significant cognitive differences among social groups, which closely correlate with the existing social stratification, then not only are present social inequalities legitimate, but government has no business in tampering with them. Objections to this unstated but widely understood claim are predicated primarily on the counter-claim that disparities in the cognitive ability of different racial groups is not a metaphysical condition of being, inherited once and for all at birth as the genetic code, but the result of past discriminatory social practices bound to disappear once these practices are ended and the damage they have caused is undone.

Unfortunately, the mere elimination of past discriminatory practices by guaranteeing that institutional life is color-blind does not result in a level playing field: the past continues to intrude on the present in the form of consequences sedimented in every crevice of both social and biological reality. Yet, it is impossible to undo these sedimented injustices. These deep levels of social life cannot be modified by formal and administrative policies. They can only be altered by informal, non-procedural, non-legislative activities which escape or are mostly opaque to administrative management. This predicament may be frustrating for those who would want to bring about the radical changes needed to create a level playing field by administrative policies. Attempts to introduce such change through the logic of administrative rationality end up as either counter-productive or self-destructive. Worse yet, if those who believe in the persistence and pervasiveness of racism are correct, then it is unlikely any policy, let alone affirmative action, can be properly administered and bring about the intended objectives.

---

6. See Larry A. Greene, "A Gale in the *Zeitgeist*: A Bell Curve or a Bean Ball?" in this issue of *Telos*.

7. All of this becomes abundantly clear in reading two anthologies on the subject. See Russell Jacoby and Naomi Glauberman, eds., *The Bell Curve Debate: History, Documents, Origins* (New York, Times Books, 1995); and Steven Fraser, *The Bell Curve Wars* (New York: Basic Books, 1995).

8. Richard J. Herrnstein and Charles Murray, *The Bell Curve: Intelligence and Class Structure in American Life* (New York: Free Press, 1994).

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

# *Reviews:*

## *A Gale in the* Zeitgeist*: A Bell Curve or a Bean Ball?*

Russell Jacoby and Naomi Glauberman, eds., *The Bell Curve Debate: History, Documents, Origins* (New York: Times Books, 1995).

Into the not so tranquil atmosphere of American race relations blew Richard Herrnstein and Charles Murray's *The Bell Curve: Intelligence and Class Structure in American Life*[1] proclaiming the emergence of a New Class of the "cognitive elite" and an underclass of the cognitively unfit. Public response has been both extensive and contradictory.[2] Russell Jacoby and Naomi Glauberman have compiled the most comprehensive anthology of these responses, which they appropriately describe as a "gale in the *Zeitgeist.*" Many of the selections are critical because, as they point out, the book fairly reflects the weight of published opinion thus far. As for themselves, they feel the work "gives a sophisticated voice to a repressed and illiberal sentiment: a belief that ruinous divisions in society are sanctioned by nature itself" (p. ix). The more society becomes stratified with impoverished welfare recipients seemingly addicted to or incapable of leaving the dole, crime apparently increasing, and illegitimacy rising rapidly, "the more people trade in ideas of blood and breeding. The primitivism of

---

1. Richard J. Herrnstein and Charles Murray, *The Bell Curve: Intelligence and Class Structure in American Life* (New York: Free Press, 1994). See also Steven Fraser, ed., *The Bell Curve Wars* (New York: Basic Books, 1995).

2. Richard Lacayo in *Time* considered it to be a work of "dubious premises and toxic conclusions" in "For Whom The Bell Curves," Vol. 144, No. 17 (October 24, 1994), p. 67. Jacob Weisberg believed the book provided "grist for racism of every variety," in "Who, Me? Prejudiced?" *New York*, Vol. 27, No. 41 (October 17, 1994), p. 30. James Q. Wilson described it as "magisterial" in a *National Review* symposium. See his "Acting Smart," *National Review*, Vol. 46, No. 23 (December 5, 1994), p. 48. Milton Friedman, called it "brilliant, original, objective, and lucidly written" (in the jacket of *The Bell Curve*). *Forbes* applauded Murray's vision as Jeffersonian. See Fraser, *op. cit.*, p. 1; Peter Brimelow saw it as a work "massive, meticulous, minutely detailed . . . and a hypothesis of far-reaching explanatory power" (in the jacket of *The Bell Curve*). *The Wall Street Journal* accused the liberal media of ganging up on the book and engaging in "a frantic race to denounce and destroy Charles Murray," See Fraser, *op. cit.*, p. 1.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

advanced society gives rise to advanced primitivism" (p. x). Does *The Bell Curve* represent advanced social science confirmation of a naturally stratified Darwinian society or "advanced primitivism" in the form of a social science rationalization of existing inequalities?

Jacoby and Glauberman note that Herrnstein and Murray have something to say, "not about race but about a new elitism the authors both champion and bemoan." *The Bell Curve* applaud the emergence of a meritocratic American Society with upward mobility increasingly based on intellectual aptitude while decrying the formation of a more rigidly stratified society with significantly limited mobility for the less intelligent. They see three continuing trends: 1) An increasingly isolated "cognitive elite"; 2) A merging of the cognitive elite with the affluent; 3) A deteriorating quality of life for people at the bottom of the cognitive ability distribution (of which African-Americans are a disproportionate sector because of their lower IQ). Unchecked, these trends "will lead the US toward something resembling a caste society with the underclass mired ever more firmly at the bottom and the cognitive elite ever more firmly anchored at the top, restructuring the rules of society so that it becomes harder and harder for them to lose."[3]

Herrnstein's and Murray's opposition to the future establishment of this near "caste" structure by this cognitive elite or "New Class" is questionable, given their biological determinism regarding the hereditary character of IQ. Inequality in intelligence cannot be avoided and attempts to eradicate it "with artificially manufactured outcomes has led to disaster. It is time for American once again to try living with inequality, as life is lived."[4] Jacoby and Glauberman are correct to ponder whether the authors of *The Bell Curve* "dread" or "desire" a future society in which a "New Class" lives in "gated communities" and an underclass composed of the poor and dim-witted live in "high tech" versions of Indian reservations (pp. x, xi). This future, however, is here already. There are not so low-tech versions of the old apartheid South African "homelands" all across the US in the form of huge ghettos.

*

*The Bell Curve*'s pronouncements on race have drawn most attention, while the nexus between class and race has all but been ignored. Most criticisms of the book have focused on those chapters in which the authors claim that blacks on average score lower than whites by one standard deviation or fifteen points on IQ tests. While this is neither new nor disputed, their disregard of environmental factors or the cultural bias of IQ exams has evoked strong rebuttals. Their claim that the disparity is due to the blacks' cognitive inferiority (which is inherited and therefore unchangeable) has drawn the most fire. If cognitive ability is largely

3. Herrstein and Murray, *op. cit.*, p. 509
4. *Ibid.*, p. 551.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

inherited, however, the same goes for whites as well other groups. If the status of blacks is largely the result of their lack of cognitive ability in a highly competitive society, so is it for the many more poor whites.

As Herrnstein and Murray note, over the last ten to fifteen years the wealthy have become wealthier and the cognitive elite have continued to merge with the affluent: "Membership in this new class, the cognitive elite, is gained by high IQ; neither social background, nor ethnicity, nor lack of money will bar the way." They further observe that: "Life has been increasingly good for the cognitive elite, as it has displaced the socioeconomic elites of earlier times."[5] That old socioeconomic elites may not have been displaced but expanded to include the upwardly mobile elements from non-elite classes. Similarly, they do not consider to what degree the old socioeconomic elites were able to transfer their class status to the next generations through access to superior education, old boy networks, and nepotism. What has happened is more likely to be ethnic and religious diversification of elites rather than displacement.

Herrnstein and Murray posit that a "new kind of conservatism is becoming the dominant ideology of the affluent . . . along Latin American lines, where to be conservative has often meant doing whatever is necessary to preserve the mansions on the hills from the menace of the slums below."[6] This is not new. 19th and early 20th century elites were also afraid of the underclass. Attorney General A. Mitchel Palmer supervised the rounding up and deportation of some six thousand allegedly "inferior" immigrant radicals. Intellectual pundits at the time also explained how elites achieved their lofty status through the Darwinian process of "natural selection" and that the "dangerous classes" were at the bottom of the social ladder because of their biological inferiority.[7] Thus today's neo-conservatives have reinvented a new variant of Social Darwinism.

*The Bell Curve* sees the growth of the underclass in monocausal terms: the "dry tinder for the formation of an underclass community is a large number of births to single women of low intelligence in a concentrated spatial area."[8] The authors note that historical trends concerning black crime, dropouts and illegitimacy all increased greatly as the overall out-of-wedlock black birth rate exceeded 25% and the rate in low-income black communities passed 50%. If the growth of an underclass is primarily the function of illegitimacy, the authors are justifiably alarmed about a possible "emerging white underclass." White illegitimate births reached 22% in 1991 and the proportion in low-income white communities is nearly twice that. According to Herrnstein and Murray "there is nothing about being Caucasian that must slow down the process. Britain, where

5. *Ibid.*, pp. 510, 511.
6. *Ibid.*, p. 518.
7. Richard Hofstadter, *Social Darwinism in American Thought* (Boston: Beacon Press, 1955).
8. Herrnstein and Murray, *op. cit.*, p. 520.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

the white illegitimacy ratio, which was much lower than the American white ratio as recently as 1979, hit 32% in 1992 with no signs of slowing down." The problem is compounded by the fact that three-quarters of all white illegitimate births are to women of below average IQ. They envision a nearly apocalyptic scenario in which "in the next few decades it seems likely that American whites will reach the point of conflagration" as the workings of the public and private housing markets create "increasing concentrations of whites with high unemployment, high crime, high illegitimacy, and low cognitive ability." These communities will "look very much like the inner-city neighborhoods that people now tend to associate with minorities."[9]

Correlations between higher numbers of children born to single mothers and the increase in the number of impoverished children and women are undeniable. The question is whether low cognitive ability or the mothers' poor economic background explains the higher illegitimacy rate. Whether white or black, poor women are less likely than others to have access to education, parental guidance, optimism, or strategy for achieving middle class status. *The Bell Curve* purports to be about intelligence and class structure, but there is little discussion of how economic history has affected the development of class. The authors note the difficulty of rejuvenating inner-city neighborhoods, despite the increase in efforts to support the family and combat crime. The forces working against it are the "large majority of inner-city youths growing up without fathers and with limited cognitive ability." They pessimistically observe that the underclass grows and the migration of the "able" continues.[10] However, they do not consider the impact of the decline in manufacturing jobs, which probably would have employed many urban minorities and reduced the size of the underclass. This decline has had a devastating impact on morale, spawning a growing sense of nihilism in inner-city neighborhoods.

Herrnstein and Murray blame the increase in single mothers on the sexual revolution and welfare, independently of the economic changes of the last fifty years. Their predictions of the rise of a "white underclass" follows only if one accepts the notions that illegitimacy is the major cause of underclass expansion and that the white illegitimacy rate will increase to match the present black rate. They do not explain why such a rapid and sustained growth is to be expected. Such an increase is unlikely without the replication of sustained economic decline comparable to inner-city neighborhoods. Why then, the alarm? If the unspoken fear of a catastrophic American economic decline was not the real "conflagration," why would not the superior cognitive ability of white Americans be sufficient to insulate them from developing an underclass of the proportional magnitude of African-Americans? Apparently, the alleged low cognitive ability of African-Americans is sufficient to explain their disproportionate social pathol-

9. *Ibid.*, pp. 330, 520, 521.
10. *Ibid.*, p. 522.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

ogies and numbers within the underclass, but the higher cognitive ability of whites is insufficient to prevent large numbers from falling into the underclass. Is this a reflection of the limits of explanations predicated on cognition?

* *

Jacoby and Glauberman have called together some eighty responses to *The Bell Curve*. The focus is on the relation between race and IQ. Much of the controversy concerns Herrnstein's and Murray's claim that blacks on average are less intelligent that whites. This is not new. What is controversial is their explanation that this is due primarily to genetic inheritance. Many critics point out that no traceable gene line for intelligence has been found. Since Herrnstein and Murray do not conduct any study of their own, *The Bell Curve* consists of a selective and interpretive use of previous studies. Leon J. Kamin sees this as a major problem, for the quality of "data" cited is often "pathetic — and the citations of those weak data are often inaccurate." The second flaw in their work, according to Kamin and others, "is their failure to distinguish between correlation and causation," which repeatedly leads them to draw invalid conclusions."[11] They conclude that African-American low IQ scores are the product of genetic factors rather than a history of slavery and a legacy of discrimination. Since black Africans did not undergo the chattel slavery experience and discrimination, their scores should be higher. When Richard Lynn converted the test results of two studies of Africans into IQ points and it turned out that African-Americans scored ten points higher, Herrnstein and Murray conclude that this was due to the admixture of white genes in their genetic stock. Never do they consider that the colonial experience in Africa also involved discrimination, nor do they question the propriety of comparing an impoverished nonwestern people having a backward educational system whose students' first language is not English with a people in a modern state.[12]

Kamin cites *The Bell Curve*'s use of Arthur Jensen's studies of racial reaction times. According to them, smarter people process information faster and therefore have faster reaction times. Jensen claims that whites have "consistently" faster reaction times. However, Kamin points out that Jensen's work does not "consistently" reveal faster white reaction times. In fact, blacks reacted faster in "choice reaction time" studies (response to "various stimuli presented in an unpredictable order")

---

11. It is well known how easy it is to find correlations between almost anything — so much so that John Allen Paulos found one between shoe size and children's ability to do math. See Gregg Easterbrook, "Black Top Basketball and the Bell Curve," in *The Bell Curve Debate*, *op. cit.*, p. 38; Leon J. Kamin, "Lies, Damned Lies, and Statistics," *ibid.*, p. 82; K. C. Cole, "Innumeracy," *ibid.*, p. 74; and Howard Gardner, "Scholarly Brinkmanship," *ibid.*, p. 64.

12. According to Kamin, the authors of *The Bell Curve* have built a straw man, which they have successfully demolished. See Kamin, *op. cit.*, pp. 82-86.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

than whites. Choice reaction time is considered to be more cognitively complex than simple reaction time (response to a single stimulus). Apparently, neither Herrnstein, Murray, nor Jensen are bothered by inconsistencies in their argument.[13]

According to Richard Nisbett, the authors of the *Bell Curve* have "distorted the evidence on the B/W gap . . . to persuade the uninformed reader that the gap was significantly genetic in origin." He considers much of the relevant evidence omitted or presented in a "one-sidedly negative light that is far from the analysis that would be offered by most people who are familiar with the data." Convergence between black and white IQs is minimized: "reduction in the B/W gap of between four and eight points over the period preceding 1990 is described as possibly being as high as a two to three point reduction."[14] Nisbett suggests that, at this rate, the gap may disappear by the middle of the 21st century. He denies Herrnstein's and Murray's intimation of a cover-up on the race and IQ issue, attributing the lack of discussion on the genetic basis of IQ differences by social scientists to the fact that "few believe the evidence has sufficient credibility to make it worth talking about."[15] Examples of the failure to deal satisfactorily with data contradicting their conclusions are replete within Herrnstein's and Murray's study. In one racial ancestry study in which the IQ of several hundred German children fathered by black GIs in WWII was found to be 96.5 and the children fathered by white GIs had an average IQ of 97 — an insignificant difference. Under the racial genetic hypothesis, the more European genes the higher the IQ. However, in a study of 288 young blacks in Philadelphia, the correlation was an insignificant .05. The authors mention the study only in a note at the end of the book, dismissing it on the basis of self-selection.[16]

Howard Gardner calls *The Bell Curve* an exercise in "Scholarly Brinkmanship" where, in discussing an issue of science or policy, the authors "come dangerously close to embracing the most extreme positions, yet in the end shy away from doing so." They never quite say that intelligence is all determining and linked to genes, yet they signal to the reader that this is their view. They are increasingly worried about the dumbing down of the American and global population, despite the work of James Flynn (the "Flynn effect") and others which show that IQ has consistently gone up around the world during this century by fifteen points. Gardner considers the links between genetic inheritance and IQ and between IQ and social class much too weak to infer that genes determine a person's status. "In other words, over 80% (and perhaps over 90%) of the factors contributing to socioeconomic status lie beyond measured intelligence." Since

13. *Ibid.*, pp. 87, 88.
14. Richard Nisbett, "Race, IQ, and Scientism," *The Bell Curve Wars*, pp. 53, 54.
15. Nisbett, "Dangerous But Important," in *The Bell Curve Debate*, pp. 113, 114.
16. Nisbett, "Race, IQ, and Scientism," *op. cit.*, pp. 38, 39. Herrnstein and Murray deal with the study of German children in a small paragraph set off from the general text assuming sample selection problems but providing no evidence.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

close to one half of one's IQ is due to factors unrelated to heredity, over 90% of one's fate lies with initial social class, work ethic, and luck.[17]

The immutability of IQ is challenged not only by the rise in global IQ or the convergence in the Black/White IQ gap, but also by changes in test scores for women and Asians. East Asians (Japanese and Chinese) score higher on IQ tests than whites (Japanese score five to ten points higher). Richard Lynn attributes the higher Asian scores to their being "genetically programmed" due to the severity of the Ice Age in Northeast Asia which required higher intelligence for survival.[18] Ironically, in the 1920s IQ pundits placed the Chinese on the bottom rungs of the intelligence ladder with an average IQ of between 65 and 70 — a level associated with retardation. By the 1950s, the IQ scores of Chinese-Americans were almost equal to whites. By the 1970s, their scores were higher.[19]

Remarkably, *The Bell Curve* does not consider gender. Until the mid-1920s, women lagged behind men on IQ tests by nearly fifteen points. After the tests were redesigned to be "unbiased," the scores were equalized. Women had historically demonstrated less mathematical skills than men. However, over the last couple of decades on the math section of the Scholastic Aptitude Test (SAT), women have reduced the gap with men by 20%. Similarly, women have historically done better than men on the verbal section of IQ tests. For male Harvard students, whose fathers had been in the army for a long time during WWII when they were young, SAT scores had shifted away from the typical male pattern of high math scores in the direction of relatively high verbal scores. During the war, these boys were raised by their mothers. Thus, neither race nor gender are likely to be as determining as the extreme hereditarians assert.[20]

* * *

Many critics of *The Bell Curve* have emphasized that there is nothing new about the work other than the packaging. The resiliency of beliefs in racial inferiority reveal more about the subscribers, the society and the times than about the alleged inferior groups. Belief in the inferiority of Africans was tied to the need to rationalize the early slave trade. For many, the Africans' non-Christian status and cultural difference was sufficient, although some noted that physical difference added a more permanent racial dimension. The expanding prosperity of slavery in the 18th century and the continuing conversions of blacks to Christianity posed a problem. This socioeconomic need coincided nicely with the desire of

17. Howard Gardner, "Scholarly Brinkmanship," in *ibid.*, pp. 64, 65. See also Alan Wolfe, "Has There Been A Cognitive Revolution in America? The Flawed Sociology of *The Bell Curve*," in *The Bell Curve Wars*, *op. cit.*, pp. 115-117.

18. Geneticist David Suzuki has called Lynn's theories "ridiculous" and "dangerous." See Barry Sautman, "Theories of East Asian Superiority," in *The Bell Curve Debate*, *op. cit.*, pp. 201-207.

19. David M. Kutzik, "A Triumph of Packaging," in *ibid.*, p. 246.

20. *Ibid.*, p. 247; Nisbitt, "Race, IQ, and Scientism," *op, cit.*, pp. 43, 44.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

European science to classify people. In 1735 Carouls Linnaeus classified people into four varieties of red, yellow, white, and black — each with their definable characteristics. Whites were mentally sharp and creative, while blacks were lazy and careless. A similar system of classification sought to impose a hierarchy on all living organisms. By the end of the 18th century, Charles White could write that blacks were an intermediate species between whites and apes.[21]

The debates over whether the human races were of one (monogenesis) or many separate origins (polygenesis) continued into the 19th century. Both schools, however, agreed that blacks were inferior. While advocating a common creation, the main scientific proponent of monogenesis, John Bachman, maintained that black inferiority was scientifically and Biblically justified, while Louis Agassiz also came to the conclusion that blacks were a separate and inferior species. Samuel G. Morton, the leader of the polygenesis school, sought to "prove" black inferiority with a study of 800 sculls of different races. He demonstrated that whites had the largest cranial capacity and blacks the smallest, thus explaining their lack of mental endowment. As Stephen J. Gould has recently shown, however, Morton's old study was deeply flawed in that he failed to correct for the effect of stature on cranial size, packing the white sculls to give them greater capacity, and for the assumption that cranial size was an indication of intelligence.[22]

19th century science contributed significantly to the development of racist ideology.[23] Pro-slavery physicians used science to provide a rationale for human bondage. Samuel Cartwright found black flight from plantations not to be an indication of discontent but a disease: "drapetomania," which drove them to seek freedom, while Josiah C. Nott claimed that blacks were an inferior species whom education would make more "vicious." John H. van Evrie even argued that if foolhardily reformers and abolitionists were to begin to educate blacks, the broader forehead developing from such an endeavor would render them "utterly incapable of locomotion" or of standing upright.[24] Apparently

---

21. While an opponent of slavery, Thomas Jefferson himself wrote about the mental inferiority of blacks and the matings between black women and the "Oran-ootan." See William, H. Tucker, *The Science and Politics of Racial Research* (Urbana: University of Illinois Press, 1994), pp. 9-11; Thomas F. Gossett, *Race: The History of an Idea in America* (New York: Shocken Books, 1965), pp. 42, 43, 47-55; Thomas Jefferson, *Notes on the State of Virginia* (Chapel Hill: University of North Carolina Press, 1955), pp. 138, 139. Winthrop Jordan, *White over Black* (Chapel Hill: University of North Carolina Press, 1968).

22. Samuel G. Morton, *Crania Americana* (Philadelphia: J. Dobson, 1839), pp. 54, 65, 93; Gossett, *op. cit.*, pp. 54-63; Tucker, *op. cit.*, pp. 17-19; Stephen J. Gould, *The Mismeasure of Man* (New York: W.W. Norton, 1981), pp. 54, 65.

23. Morton suggested a copy of his most recent publication be sent to John C. Calhoun when he was told that Calhoun would appreciate the strong support it offered the South.

24. William Stanton, *The Leopard's Spots: Scientific Attitudes Toward Race in American, 1815-1859* (University of Chicago Press, 1960), pp. 52, 144; Tucker, *op. cit.*, pp. 13, 14, 21; John H. van Evrie, *Negros and Negro "Slavery"*, (New York: van Evrie and Horton, 1863), pp. 94-96; Gossett, *Race*, *op. cit.*,pp. 64-65.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Herrnstein and Murray in the 20th century perceive attempts to raise the intellectual level of blacks as similarly futile.

Social Darwinism in the late 19th and early 20th centuries reinforced belief in racial hierarchies and supported any opposition to reform. As Hofstadter noted, at the turn of the century "the characteristic feeling was that the country had seen enough agitation over political issues in the period before the Civil War, that the time had come for acquiescence and acquisition."[25] Herbert Spencer and his American counterpart, William Graham Sumner, opposed poor laws and government regulation of working hours and factory working conditions, in short, virtually all efforts to aid the poor. The natural selection principle of evolutionary progress dictated that inferior peoples, nationalities, and races be condemned to the bottom of the socio-economic ladder because of their permanent inequality.[26] According to Karl Pearson and Frederick Hoffman, the ultimate end for blacks, who were the least evolved and least able to survive in the racial struggle for existence, was extinction. To Nathaniel Southgate Shaler, blacks were an "alien folk" deserving of disenfranchisement and dispersal over the US to avoid burdening any one section. In an obituary of Frederick Douglass congruent with Social Darwinistic thinking, *The New York Times* attributed his "remarkable energy" to his white blood, lamenting that if he had only "more white blood" he may "have been an even better and greater man."[27]

Racial extinction of inferior races as a natural extension of the evolutionary process had its problems. Given the high birth rate of non-whites and the poor, it was clear at the time that this extinction would take a long time. A more immediate remedy was needed to prevent the increasing numbers of unfit from dragging society down. Francis Galton, Darwin's cousin, proposed a solution involving encouraging selective mating, a high birth rate among a nation's elite, and discouraging mating among the mentally retarded, physically disabled, poorer classes and inferior races. This process of "eugenics" would prevent a civilization from declining as a result of an expanding population of the unfit.[28]

This group of eugenists and the authors of *The Bell Curve* both believe in the immutable intellectual inferiority of people of African descent. Thus, Charles Lane criticized *The Bell Curve* for its heavy reliance on "tainted sources" such as *Mankind Quarterly* — a blatantly racist anthropological journal which defended white supremacy, South African apartheid, and American Jim Crow segregation. Five articles from this journal are cited in the books' bibliography, while no

25. Hofstadter, *op. cit.*, p. 5.

26. Gossett, *op. cit.*, pp. 145-154; Herbert Spencer, *Principles of Sociology* (New York: D. Appleton and Co., 1895-98); William G. Sumner, *What Social Classes Owe to Each Other* (New York: Harper and Row, 1883).

27. Gossett, *op. cit.*, p. 281; For the Douglass obituary quote, see Tucker, *op. cit.*, p. 30; Frederick Hoffman, *Race Traits and Tendencies of the American Negro* (New York: American Economic Association, 1886), pp. 2, 3, 176.

28. Francis Galton, *Hereditary Genius* (London: Macmillan, 1892), pp. 22-32.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

fewer than seventeen researchers cited in the bibliography have contributed to *Mankind Quarterly*. Robert Graves, the journal's founder and editor until 1978, stated Nazi crimes "did not . . . justify the enthronement of a doctrine of a-racialism as fact, nor of egalitarianism as ethnically and ethically demonstrable."[29] Another founder of the journal, Henry E. Garrett, was a Columbia University professor, a pamphleteer for the White Citizens' Councils and a defense witness for the segregationists in the 1954 Brown v. Board of Education Supreme Court case. Ottmar von Verschuer, a leading race scientist in Nazi Germany and a mentor of Josef Mengele even served on the journal editorial board.[30]

Many of the contributors to *Mankind Quarterly* and researchers cited in *The Bell Curve* have garnered financial support from the Pioneer Fund. This foundation was established in 1937 by Wickliffe Draper, a wealthy textile magnate who was fascinated with eugenics and returning blacks to Africa. The fund's first president, Harry Laughlin, was a leader in the eugenics movement and an early admirer of Third Reich eugenics policies. He advocated the restrictive immigration act of 1924 and authored a 1922 Model Eugenical Sterilization Law — the model for eugenics laws of thirty states — which culminated in the sterilization of some 20,000 women by WWII. Laughlin lobbied to retain the restrictive immigration laws against Jews seeking asylum from Nazi persecution in the 1930s.[31] Richard Lynn, associate editor of *Mankind Quarterly*, wrote that the "poor and the ill" are "weak specimens whose proliferation needs to be discouraged in the interest of the improvement of the genetic quality of the group, and ultimately of group survival." A Pioneer Fund grant recipient, Lynn is cited 24 times in *The Bell Curve*.[32] The work of J. Philipe Rushton is also consulted by Herrnstein and Murray. Rushton believes blacks are genetically programmed to be of low intelligence, high criminality, and hyper-sexuality. Allegedly, they are lesser evolved humanoids who struggle for survival by promiscuously flooding society with children. Rushton's neuro-anatomical fantasy leads him to conclude that there is "a trade-off: more brain or more penis. You can't have everything."[33] Researchers connected to the Pioneer Fund and *Mankind Quarterly* are not victims of an attempt at guilt by association with eugenicists and Nazis, but rather are indicted by their own racialist ideology.[34]

*The Bell Curve* represents the third campaign since the end of WWII, to promulgate concepts of black intellectual inferiority. The first two were tied to

29. Quoted in Charles Lane, "Tainted Sources," in *The Bell Curve Debate*, *op. cit.*, p. 126.
30. Stefan Kuehl, *The Nazi Connection* (New York: Oxford University Press, 1994), pp. 102, 103, 126, 127.
31. John Sedgwick, "Inside the Pioneer Fund," in *The Bell Curve Debate*, *op. cit.*, p. 152; and Adman Miller, "Professors of Hate," in *ibid.*, p. 172.
32. Lynn is quoted in Lane, *op. cit.*, p. 129.
33. Rushton is quoted in Miller, *op. cit.*, p. 170.
34. Irving Louis Horowitz, "The Rushton File," in *ibid.*, pp. 179, 180.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

attempts to maintain traditional patterns of segregated race relations and reverse changes brought about by the Civil Rights movement. The 1954 Brown v. Board of Education decision not only initiated a decade of civil rights activity that culminated in the dismantling of American apartheid, it also sparked an intellectual counterattack by conservative social scientists against the decision itself, integration in general and the idea of racial egalitarianism. Thus, Ernest van den Haag claimed integration would hurt blacks psychologically for they would be ostracized by their white school mates; Kenneth Clark and the NAACP social scientists had it all wrong; only racial separation could reduce racial prejudice. Henry E. Garrett, the leading expert witness for the pro-segregation side in a number of legal cases concurred. As desegregation appeared legally irreversible, Garnett became more racially vicious in a series of pamphlets warning that integration would lead to the intellectual deterioration of whites and the transformation of whites into Negroes through race mongrelization — the goal of civil rights groups.[35] All the proponents of segregation justified their position on the basis of black mental inferiority. Carleton S. Coon attributed black inferiority to the fact that blacks were a newer, less evolved race, while his cousin, Carleton Putnam, saw an unholy alliance between mulatto integrationists and left-wing Jewish egalitarians against which the Protestant South was manning the barricades.[36] Jewish conspirators were a necessary part of the equation, since blacks were considered too dumb to mount so massive and successful attack on *de jure* segregation.

The second campaign began in 1969 with the publication of Arthur Jensen's work, which denied that IQ could be significantly raised due to the high degree of heritability (80%).[37] Therefore, attempts to raise intelligence were futile. Some whites, tired of the race issue and the racial rioting of the late 1960s, found in Jensen's work a convenient rationale for opposing government sponsored integration and efforts to aid the poor. William Shockley, Nobel laureate in physics, had made similar claims in 1965, but he was too abrasive, out of his field and too blatantly eugenical in his solutions to poverty with calls for financial incentives for voluntary sterilization of poor blacks. By the mid-1970s, the victims of racism in the mid-1950s and early 1960s had been transformed into the "undeserving poor" sponging off a "silent majority." Jensen's work confirmed what some whites always believed: that the black condition was not the product of a history

35. He pointed out that the average black resembled a European after a frontal lobotomy. See Tucker, *op. cit.*, pp. 151, 152, 169.

36. *Ibid.*, pp. 160, 162-164; Carleton S. Coon, *The Origin of Races* (New York: Alfred A. Knopf, 1962); and Carleton Putnam, *Race and Reason* (Washington, D.C.: Public Affairs Press, 1961).

37. Arthur R. Jensen, "How Much Can We Boost IQ and Scholastic Achievement?" in *Harvard Educational Review* 39 (1969); and Tucker, *op. cit.*, pp. 184-187. Segregationists such as the Louisiana Congressman, John R. Rarick, praised Jensen and inserted the entire article in the *Congressional Record*. The Klan circulated a pamphlet entitled *Race and Integration: Scientists Speak Out* devoted mainly to Jensen's research and conclusions.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

of racial discrimination or poor environment, but rather of their own innate inferiority. Jensen had originally attributed lower black performance on IQ exams to environmental factors, but after a stint in England he came to subscribe to the theories of Hans J. Eysenck and his mentor Sir Cyril Burt (whose twin studies were later discredited under a cloud of charges of falsification of data) who found blacks to be cognitively inferior.

According to John Ehrlichman, Jensen's impact on mainstream politics was far more pronounced, especially on the Nixon administrations' housing and education policies.[38] Daniel Patrick Moynihan wrote that "the winds of Jensenism" blew through the capital at gale force, and when some "compensatory program" was not working bureaucrats looked at one another with an unspoken understanding that Jensen was correct.[39] Nixon was indebted to Wallace's 1968 third party presidential run attracting early defections from the Democratic Party's old New Deal coalition of southern whites and northern working-class ethnics fearful of integration and the emerging black underclass. White House aid, Pat Buchanan, one of the architects of Nixon's southern strategy to attract disaffected southern white Democrats, submitted a memo to Nixon suggesting that, because of differences in intelligence "integration of blacks and whites — but even more so, poor and well-to-do — is less likely to result in accommodation than it is in perpetual friction, as the incapable are placed consciously by government side by side with the capable."[40]

Given the lack of candor on issues of race, it is unlikely that the impact of theories of black inferiority and reducing government support to minorities and the poor now had scientific confirmation in the works of Shockley and Jensen. In the 1980s, Charles Murray provided much of the intellectual ammunition, without resorting to theories of genetic racial inferiority, for the attack in the 1990s on the welfare state as the cause of black poverty, family disintegration, and the growth of an underclass.[41]

In December of 1994, Samuel Jared Taylor claimed that: "The rules of dialogue in America may finally have changed . . . by injecting questions of race and intelligence into the mainstream, [*The Bell Curve*] has done the country an

---

38. John Ehrlichman, *Witness to Power* (New York: Simon and Schuster, 1982), p. 222; and Tucker, *op. cit.*, pp. 207, 210.

39. John Neary, "A Scientist's Variation on a Disturbing Racial Theme," *Life* (June 12, 1970), p. 58D.

40. *The Washington Post* (January 5, 1992); *The Boston Globe* (January 4, 1992); Tucker, *op. cit.*, p. 208.

41. Charles Murray, *Losing Ground: American Social Policy, 1950-1980* (New York: Basic Books, 1984); "Cultural essentialism" or "culturalist" are terms coined by George M. Fredrickson to explain that body of thought that attributes the present unequal status of blacks not to their racial inferiority but to their cultural inferiority as maintained by the federally sponsored welfare state. See George M. Fredrickson, "Demonizing the American Dilemma," in *The New York Review of Books* (October 19, 1995).

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

enormous service." That service was made clear in the *American Renaissance* newsletter: "As groups, whites and Asians have larger brains than blacks."[42] Sam Francis, longtime friend and informal adviser to Pat Buchanan explained the basis of the European cultural achievement: "The civilization that we as whites created in Europe and America could not have developed apart from the genetic endowments of the creating people." His remarks at the 1994 Atlanta meeting of *American Renaissance* were criticized by Dinesh D'Souza, an exponent of the conservative "cultural essentialism"/anti-welfare state school.[43] Francis condemned a deracinated new managerial class for seeking to depress American wages and export American jobs to Third World countries while simultaneously threatening the American social fabric through an immigrant multicultural (nonwhites) invasion. The core constituency for Taylor, Francis, and Buchanan are the Middle American Radicals (MARS) that sociologist Donald Warren identified in his 1976 study of the Wallace presidential campaign, *The Radical Center*.[44] While in agreement on many issues, the Francis-D'Souza disagreement reflects the conflict between the conservative cultural essentialists and conservative hereditarians/neo-Social Darwinists. This is also reflected in the conservative commentary section of *The Bell Curve Debate*, with seven of the ten conservative commentators expressing serious reservations and opposition to many of the basic premises of Herrnstein and Murray.[45]

Thus a synthesis of a MARS populist philosophy with a racialist hereditarian/neo-Social Darwinist approach may be impossible. The architects of such an ideological synthesis would have to ignore the elitism of *The Bell Curve* while subscribing to its racist formulations. Yet, this is not insurmountable given the media and scholarly focus on the racial aspects of *The Bell Curve* while ignoring the class aspects (i.e., its bias against the white working class and the white poor). If the elimination of or significant reduction in the welfare state does not result in a large decrease in the black underclass and accompanying social problems, as the "culturalists" proclaim, then the MARS may find the racialist assertions of *The Bell Curve* and other hereditarians a more plausible explanation of the black condition.

The implementation of Herrnstein and Murray's recommendations are not likely to create "a place for everyone," as in their mythical 19th century idyll. There is precious little in *The Bell Curve* to suggest an economic and social reju-

---

42. Leonard Zeskind, "White-Shoed Supremacy: A resurgent White Racial Consciousness Is Afoot, Eschewing The Militia Look," in *The Nation* (June 12, 1996), p. 22.

43. *Ibid.* Apparently, Francis' employer, the *Washington Times*, did not appreciate these nor subsequent remarks ridiculing Southern Baptists for deciding that slavery was sinful and forced him to resign. For a full exploration of the "culturalist" theory, see Dinesh D'Souza, *The End of Racism: Principles for a Multiracial Society* (New York, 1995).

44. See Donald Warren, "White Americans as a Minority," in *Telos* 104 (Summer 1995), pp. 127-134.

45. Zeskind, *op. cit.*, pp. 22, 23; D'Souza, *op. cit.*

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

venation of black neighborhoods. The mere restoration of a wide or limited range of federal programs through the states to financially weak cities and poor black neighborhoods is not likely to reduce the numbers of the black poor or raise their quality of life. Similarly, suggestions of a reduction in poor, uneducated immigrants is likely to free up only very low wage or even sub-minimum wage jobs for the black underclass. The number of minimum wage jobs may even be less than the labor supply, as the percentage of unskilled jobs has steadily declined since the 1960s.

In the "Afterward" to the new paperback edition, Murray appears to depart from the dire predictions of an "emerging white underclass" and assures the reader that they "celebrate the capacity of people everywhere in the normal range of the bell curve to live morally autonomous, satisfying lives, if only the system will let them."[46] For African-Americans who witnessed the greatest expansion of the black middle class in the quarter century since the 1960s, there is a sense of *deja vu* — there has always been a step backward for every two steps forward from the time of abolition in the northern states to emancipation-reconstruction and counter-reconstruction through the civil rights movement and the "white backlash." In 1854, Frederick Douglass observed that "pride and selfishness, combined with mental power, never want for a theory to justify them — and when men oppress their fellow-men, the oppressor ever finds, in the character of the oppressed, a full justification for this oppression."[47] America's racial legacy continues and so does the need to deny or rationalize it.

***Larry A. Greene***

46. Herrnstein and Murray, *op. cit.*, p. 575.
47. Frederick Douglass quoted in Henry Louis Gates, Jr., "Why Now?" *The Bell Curve Wars*, p. 94.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

# More on Affirmative Action

Barbara R. Bergmann, *In Defense of Affirmative Action* (New York: Basic Books, 1996), x+213 pp., $23.00.

John David Skrentny, *The Ironies of Affirmative Action: Politics, Culture, and Justice in America* (Chicago and London: The University of Chicago Press, 1996) xiv+312 pp., $35.00.

Carl Cohen, *Naked Racial Preference: The Case Against Affirmative Action* (Lanham, [Maryland], New York, London: Madison Books, 1995), viii+242 pp., $21.95.

Clint Bolick, *The Affirmative Action Fraud: Can We Restore The American Civil Rights Vision?* (Washington, D.C.: Cato Institute, 1996), x+170 pp., $19.95.

Terry Eastland, *Ending Affirmative Action: A Case Study for Colorblind Justice* (New York: Basic Books, 1996) x+229 pp., $23.00.

Barbara Bergmann's defense of Affirmative Action (hereafter, AA) is replete with relevant analogies, parables and examples. Accordingly, AA is a matter of conscience, "planning and acting to end the absence of certain kinds of people . . . from certain jobs and schools" (7). The purposes of AA are to eliminate discrimination, promote integration, and reduce poverty of minority groups (9). "The heart of an AA plan is its numerical hiring goals, based on an assessment of the availability of qualified minority people and women for each kind of job" (12). Bergmann acknowledges that AA programs "do have quota like aspects" (13), but she claims this is the only method to get women and minorities into jobs for which they are qualified and without which they would be rejected. Not only is AA necessary to redress the wrongs of slavery and segregation, in today's job market there is still considerable racist and sexist discrimination (43).[1] Furthermore, the wage gap between whites and blacks, men and women, remains (37).

Since "a majority of Americans desire to live in a country that is fair" (61), the only method to overcome such discrimination is by continuing and intensifying

1. For Bergmann, evidence of discrimination in the labor market are studies in which pairs of blacks and whites, provided with similar fictional backgrounds, encountered different receptions: whites were offered jobs 45% more often than their black counterparts (50-51). Additional evidence is provided by EEOC and court cases, whereby firms such as Lucky Stores in California and Denny's Restaurants were required to pay millions in damages for discriminating against women or minorities

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

AA.[2] Bergmann does consider alternatives to AA, such as a program based on economic need rather than race, but concludes they would not suffice. As most of the poor are whites, they would overwhelm such programs unless there were quotas and set-asides established for poor blacks. But with quotas, why not continue with the present programs? Other alternatives, such as individual law suits, are too expensive and take too long for individual victims of discrimination. Only AA-type class-action suits using statistical analysis can provide proper remedies.

Bergmann begins with President Clinton's desire to choose a Cabinet "that looks like America" (1). Thus, when most slots were occupied by men, there was a scurry to find a female Attorney General. After two names had to be withdrawn, and he nominated a third, it was clear Clinton was determined to nominate a woman. Was this unfair to any men who might have been better qualified for the post? Not to Bergmann, who sees an intrinsic virtue in integrating the Cabinet as well as society. If Clinton had definite ideas about how to choose his Attorney General, this offset the implicit preferences for men in selecting so many other Cabinet officers. Preferences are required to be fair, to offset implicit prejudices against women and minorities, exemplified by their low proportions in Cabinet posts, in Congress, and in the workplace. Few blacks are professors of chemistry, economics or political science because of racism, which has precluded most blacks from attending high-quality schools (41).[3]

An academic jet-setter who attends conferences of feminists, economists, and civil rights groups, Bergmann notes that the waiters in expensive restaurants are all white males. This is clearly "discrimination," as the waiting profession does not require such difficult skills that women and minorities could not readily learn. Indeed, women and minorities are frequently waiting, but in diners or less expensive eateries where tips are low or non-existent (63-68). Such clear "discrimination" exists also among truck drivers, car salesmen, even pizza deliverymen (69). She compares AA to a bus route in which drivers have consistently refused to pick up blacks. Some blacks have been so discouraged they no longer even wait at the stop. With AA, a black comes to the stop and is permitted to go to the head of the line. It seems unfair to the whites already waiting. But he will be the first black, or one of the first, to ride the bus on this route (98-99). She then compares AA to the Americans with Disabilities Act. The purpose is clearly to give preference to those with disabilities. It is not a "disabilities-blind" law. Nor

2. Bergmann complains that the media is biased against AA, reporting polls that show perhaps 3/4s of all Americans against it — often including a majority of blacks. But as a result of her own survey of some 200 *students* on various campuses, she is convinced that the majority of both blacks and whites support AA (143-47, 149-58).

3. Bergmann states that at major firms the birth dates of employers will be roughly distributed through the 12 months because no one cares if one is born in July (44). If those born between January and June had all the good jobs, and those born between July and December all the poor-paying ones, that would prove discrimination requiring a remedy. So it is with women and minorities.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

are the civil rights laws meant to be color-blind or sex-blind, but to give preferences to members of excluded groups.

When the EEOC (Equal Employment Opportunity Commission) was organizing after passage of the Civil Rights Act of 1964, its commissioners were determined to subvert the law it was created to enforce. The Civil Rights Act prohibited intentional discrimination. It explicitly permitted the use of aptitude tests (in which whites routinely outperformed blacks); and prohibited any use of disparate impact theory and quotas. But the EEOC sought to overturn the law. It believed that comparing employment statistics of blacks and whites alone could be used to show a *prima facie* case of discrimination where blacks were underrepresented — independently of the intent of the employer. And if blacks failed aptitude tests, or drug tests, or if they had criminal backgrounds, the EEOC would seek to abolish these and other common requirements for jobs because "they discriminated" against blacks in that they excluded more blacks than whites. Proportional representation was thus the model, both for exposing discrimination and for overcoming discrimination through race and gender preferences, to be achieved with goals and timetables of a given percentage of blacks, etc., to be hired by a certain date. The first important step for the EEOC in establishing this model of discrimination and ignoring or even, later, defying the standard explicit in the Civil Rights Act of 1964, was for the EEOC to collect data from corporations on the numbers of blacks and whites they employed. From this beginning, the wheels were set in motion so that government would eventually require discrimination against white men (because of their over-representation) and preferences for minorities and women in the name of equal opportunity.

Bergmann is partisan in her use of statistics. Thus, she reports that in a survey using pairs of blacks and whites provided with similar backgrounds, the whites were 45% more likely to be offered the job (50). But in a similar survey, 15% of the firms offered the jobs to the blacks. When one considers that a third of young black men are in prison, on parole or on probation, the surveys seem to indicate how unprejudiced employers are, or how AA has reversed discrimination patterns by intimidating employers into compliance with its dictates. Bergmann argues that if women and minorities are subpar in many skills, the question is why and what to do about it. Since they are unskilled because of society's discrimination in schools and families depriving those in the lower castes of equal preparation, the choice is between a return to grossly unequal opportunity if AA is abolished, or a slow movement toward equal opportunity and equality of results through AA (26).

Bergmann presents evidence that sometimes women might be rejected for positions because the notions of merit are informal and inconsistent. However, the forces of AA fought successfully to overthrow objective, general achievement examinations as requirements for jobs and promotions because many blacks did poorly. More recently, feminists persuaded judges to abandon New York's system of awarding math and science scholarships based on objective exams

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

because girls did poorly. Feminists were upset because the results on objective exams did not give 50% of the scholarships to girls. They demanded 50% no matter how poorly girls did on objective tests, and liberal judges agreed. So, in addition to objective tests, grades (surely less formal and more inconsistent) were added to insure that half the scholarships were awarded to girls, and denied to the higher achieving boys. Yet the same organizations that allege an anti-female bias because girls do worse on objective math and science exams are strangely silent about reporting that girls do better than boys on objective language exams.

Bergmann declares that AA is needed by colleges and universities because blacks have a poor high school preparation (121). Better to displace a white applicant as a step toward ending the unfair caste system (121). Why do blacks, as a group, have a weaker academic preparation? For some who attended the same schools as whites in the North, there is no excuse. When schools in the South were integrated after the 1954 *Brown* decision, schools could either place blacks and white in the same grade, demand the same standards for all, and confront the prospect of failing many blacks, *or* lower standards, pass almost all blacks and whites, and watch academic quality disintegrate. Simultaneously, judges often made it more difficult to expel or punish black students, so some black students could become ever more undisciplined and aggressive with little fear of punishment. Black bullies with low IQs could then dominate schools, as teachers could neither expel nor punish the perpetrators, for that would be deemed "racist." Consequently, whites and blacks who wanted a decent education and could afford it, moved to the suburbs or to private schools. Public schools became mainly minority, and new curricula stressed "black" Cleopatra, how all culture developed out of Africa, and other mythology that replaced the traditional 3 Rs — further contributing to racial imbalances.

* * *

The back cover of Skrentny's book includes praise from William Julius Wilson, Hugh Graham Davis, and Nathan Glazer. It is undeserved. First, Skrentny's work is awash in obscurantist sociologese. Second, while his book is backed by vast research, Skrentny is lost in the trees, unable to see the forest. Third, and most damning, he attempts to justify the unjustifiable. Yet, the book contains much valuable material. Skrentny acknowledges that: "Though civil rights and African American groups may have supported affirmative action as a preferred civil rights measure since at least the 1970s, the policy is largely the construction of white male elites who traditionally have dominated government and business. The historical record shows that these elites (who are often assumed by the Left, by definition, to act *against* minority interests) advocated different parts of the affirmative action model before or without the influence of any organized civil rights groups that was lobbying for affirmative action. At one point, the [Nixon] White House actually lobbied the civil rights groups to support affirmative action" (5). The same argument reappears later (67).

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Much of Skrentny's argument flows from this observation, "When the color-blind model was placed into law [the Civil Rights Act of 1964], it was done with the belief or expectation that freedom from discrimination would bring about black equality . . . Congressional documents reflect this expectation. This proportional racial equality was thus implicitly, . . . a part of the color-blind model of justice. . ." (15). What the author overlooks is that the law was color blind and portions of it forbid consideration of the proportional model of racial justice. How the law was stood on its head, by whom and why is an interesting question. It is not proper, however, to argue that because *some* expected a proportional outcome from the 1964 law, that the law should somehow be used as the basis for those very practices it forbids. Moreover, Skrentny declares that the earlier Fair Employment Practices Commission (FEPC) agencies could not impose the affirmative action model, "because they did not have the Civil Rights Act of 1964 to back them up." Actually, neither did the EEOC, the Office of Federal Contract Compliance (OFCC) and other federal agencies after 1964.

One limiting aspect of this book is that Skrentny chooses to discuss only blacks and AA (15). Yet, most of the recipients of AA preferences are not blacks but women, while other ethnic minorities now receive more preferences than blacks. The reason much of the debate centers on blacks in AA is that if one demonstrates how unfair it is to give preferences to blacks, then surely the preferences to other groups will be deemed even more unjust and the entire AA structure will collapse. Thus Skrentny includes a chapter on preferences to veterans, relatives, athletes, children of alumni, etc. It may be well researched, but not overly relevant, as most Americans believe it fair to award preferences to veterans. Nepotism may not be considered fair, and until feminists sought to overturn such policies, it was often illegal in government employment. It was not deemed fair in private business, but it was considered inevitable. If the boss hired an incompetent son-in-law, the main loser would be the firm itself. At any rate, in poll after poll, most Americans reject preferences for blacks, women, newly arrived immigrants, etc. Skrentny thinks AA for blacks is more justifiable than preferences for veterans (59-60). But this is not essential to his argument, and he is clearly out of the mainstream when he so argues.

Skrentny seems almost as ambivalent as LBJ on AA. He claims that LBJ probably never favored racial hiring, and that in his Howard U. speech he probably meant that the poor of all colors were to benefit from some form of AA (153). Yet, during the Newark riot, President Johnson urged recruiting more black National Guardsmen (88). As Skrentny admits elsewhere, however, LBJ never totally abandoned a color-blind approach (109). True, in 1966 half of the poverty funds were targeted for blacks, though they constituted only 30% of the poor (89). After the late 1967-8 riots, business elites advocated racial hiring to forestall violence, even if it meant abolishing merit and instituting "reverse discrimination" (89-91). Yet, as late as 1967 the Johnson Administration, when considering new civil rights legislation, did not include AA among its proposals (126).

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

The Kerner Commission, responding to the riots, blamed not the violent blacks but white society for its racism and insensitivity. The Commission judged all whites beneficiaries — and guilty — of this racism (98). The Commission adopted a new version of "discrimination," not as an intentional act by an individual but as an institutionalized practice that occurs by denying blacks jobs merely because of poor education, lack of experience or a police record. The Commission implied preferences were needed so blacks could achieve their proportional share of the work-force, especially in the media and the police (92-93). When the report came out, Johnson did not give it a ringing endorsement (109).

It is only after discussing riots and the late 1960s events that Skrentny mentions the 1964 Motorola case (95), when the FEPC in Illinois sought to disqualify testing as a criterion in hiring on the grounds that it kept blacks out of jobs (which is precisely what led the authors of the 1964 Civil Rights Act to *specifically* emphasize the *legitimacy* of such tests).The reason for this deviation from a chronological presentation is to becloud the issue of who was pushing AA and when. Similarly, Skrentny writes, "In one of the ironies of AA, the government administrators who were to enforce the color-blind law were also led to AA" (111). This is not correct. Fairly early on, some in the EEOC were determined to scrap the color-blind approach, destroy the Civil Rights Act of 1964, and impose the quota-AA system. Skrentny alleges that the EEOC and OFCC were created not just to end discrimination, but to bring about black economic equality by ending discrimination (112). There is no basis for such a claim. Some may have assumed that the end of discrimination would bring about black equality, but the authors of the Civil Rights Act certainly did *not* share that assumption. The legal mandate of the EEOC was *only* to end intentional discrimination. Skrentny distorts history. By claiming that the 1964 Civil Rights Act entailed equality, AA liberals seek to justify the injustice brought about by AA.

Skrentny recognizes that FEPCs in the 1950s had been demanding the hiring of more blacks, using statistics and moving toward the AA approach: "The logic of administrative pragmatism tended . . . to AA . . . well before the passage of the Civil Rights Act of 1964" (120). Surely, Congress was aware of these developments when the Civil Rights Act of 1964 was debated. What Skrentny refuses to recognize, except in a glancing admission (120-21), is that Congress was not only aware of AA, it clearly *rejected* that approach. In fact, it included provisions outlawing AA.[4]

4. Hugh Graham Davis, *The Civil Rights Era: Origins and Development of National Policy, 1960-1972*, (New York and Oxford: Oxford University Press, 1990), pp. 150-151. Senator Humphrey stated in the Congressional debate: ". . . there is nothing in it [the proposed civil rights legislation] that will give any power to the Commission [the EEOC] or to any court to require hiring, firing, or promotion of employees in order to meet a racial 'quota' or to achieve a certain racial balance." Another strong advocate of the legislation, Senator Clark of Pennsylvania declared bluntly: "There is no requirement in title vii that an employer maintain a racial balance in his work force. On the contrary, any deliberate attempt to maintain a racial balance . . . , would involve a violation of title vii because maintaining such a balance would require an employer to hire or refuse to hire on the basis of race."

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

When opponents of the 1964 legislation argued that it would result in quotas and preferences for minorities, supporters of the legislation, such as Senators Hubert Humphrey and Joseph Clark, stressed that the clear wording and meaning of the law precluded preferences for blacks or proportional hiring: blacks would gain jobs through equal opportunity. Indeed, the Motorola case concerning the validity of tests for employment occurred during the debate in Congress and was the reason Senator Tower of Texas had the bill amended [Section 703(h) of Title VII] to prevent preferences, quotas, proportionality and to retain the continued use of aptitude tests by firms — even when blacks generally did worse on these examinations.[5] But the Act created the EEOC, and because of turnover of chairmen, the staff won *de facto* power "to be creative" (123), as Alfred Blumrosen, EEOC advisor, explained. What he did not explain was his attempt to subvert the law.

Skrentny is very forthright: "I have argued that race-conscious employment measures became legitimate in part as a way for elites to maintain control, to manage a crisis. But the logic of crisis management, which put AA in the interest of (mostly white) elites, is still not explained . . . if someone breaks the law, why give that person a job?" (103). He goes on to argue that had LBJ shot the rioters and forcefully suppressed the disorders, such action would have signalled the failure of the civil rights laws, the Great Society, and his Presidency (105). Moreover, during the Cold War, any repression of the ghettos would have been spotlighted in Communist propaganda in Third World nations (106). Skrentny concedes that the major change occurred in March 1966, when the EEOC sent out its reporting forms to the industries to by covered by the Civil Rights Act. "Legal scholar and EEOC advisor Alfred Blumrosen instigated the development" (127). Actually, the forms were sent to many industries beyond the jurisdiction of the EEOC, for the law had given priority to FEPCs in those states that had them. Firms located in such states should have received no EEOC forms. This was another example of Blumrosen's "creativity," or going beyond the law. The idea of reporting employees by race had been debated at a White House conference in August 1965, and was debated again inside the EEOC that December, when only Bernard Frechtman opposed it. A few months later, the EEOC sent out its race forms. A similar trend occurred inside the OFCC, created in September 1965 by Johnson's Executive Order. The OFCC was inside the Labor Department. Yet, the Executive Order, like the Civil Rights Act, emphasized that race *not* be considered.

Skrentny justifies the massive change in the definitions of discrimination, race-consciousness, race-preferences, etc., by calling AA a "new kind of racial justice" (145). If racial discrimination is just, his definition may be accurate. In the 1960s, AA advocates declared "No change is occurring; AA is keeping with our traditions" (145). Yet, it was an enormous change revolutionizing those traditions. "Put simply, any attack on the AA model could be rebutted by claiming that what was being attacked was civil rights" (146). But AA was not civil rights.

5. *Ibid.*, pp. 149-50, 388.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Skrentny knows this. Yet, he justifies the liberals who made this claim. He argues that by the late 1960s to be for civil rights was to be pro-American; to be against civil rights was to be un-American (149). Furthermore, he sees the civil rights tradition as including both equality of treatment and equality of results, which was assumed to follow naturally. To achieve those results, however, AA was required. Therefore it was part of the civil rights tradition (151). This is sheer sophistry. The civil rights tradition enacted into law in 1964 and supported by the majority of the people included only equality of treatment. It may have been hoped that equality of results would follow, but that was not part of the law, and AA methods to achieve it were explicitly prohibited by that civil rights law.

As courts gave the AA model the force of law through disparate impact decisions, businesses found they had to hire by "voluntary" quotas or face heavy fines for discrimination (159). Skrentny emphasizes the importance of court precedents, and how very quickly the AA model was established. Yet, the entire era was ushered in with *Brown v. Board of Education* in 1954, which overturned the 60-year-old precedent of *Plessy*. Courts have been willing to overturn precedent. Yet, they have sanctioned and promoted the quota-like "disparate impact" theory of AA, and have refrained from overturning it to this day. Skrentny notes that in the late 1960s-early 1970s the courts upheld a number of decisions whereby statistics were used to show discrimination against blacks, and the precedents cited were often in voting rights and in school integration cases. He notes that some saw a difference between those and employment litigation: all citizens had certain equal rights to vote and receive an education. But does an ill-educated person with a criminal record have the right to be hired ahead of a better educated, honest one, merely because of his race? The crucial and unanimous 8-0 decision came in 1971: *Griggs*, written by Nixon's new appointee, Chief Justice Warren Burger. As a consequence, group rights came to supersede individual rights and, for most jobs, even a requirement of a high-school diploma was considered a form of racial discrimination (166).

In February 1967, the OFCC created the Cleveland Plan, which led to the Philadelphia Plan of November 1967. Here the government attempted to open government funded construction jobs to blacks by requiring contractors to submit, along with their financial bids, plans to hire a certain, ambiguous percentage of minorities. In May 1968 the Government Accounting Office declared the Cleveland Plan illegal because of the vagueness of the AA guidelines — guidelines deemed essential to the awarding of a contract. The Philadelphia Plan was judged illegal in November 1968 (138). Skrentny claims that the courts were moving toward a race-conscious approach. "Race conscious justice was a tool that emerged when the classical liberal litigation tools failed to achieve the classical liberal goal of nondiscrimination" (141). This is absurd, for it assumes that any deviation from proportional representation is discrimination. Skrentny goes on: "AA was a last, affordable resort to avoid the desperately feared exposure of being

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

an agency which failed at its task" (142). Wrong again. The task of EEOC was to end intentional discrimination by using color-blind methods. Instead, the task it assumed on its own was to overturn the law, to move civil rights from equal opportunity to its opposite, AA. Then Skrentny alleges that the reason for this change in mission was "problem solving" (142). But the law had given these agencies no power to attempt to solve any problems by discriminating against white men.

Skrentny rightly portrays President Nixon, who in 1969 revived the Philadelphia Plan with explicit racial quotas (177), as a crucial player in the development of AA. Skrentny alleges that Nixon's motive was to hurt unions, and that was undoubtedly true. But why does he portray liberals as always concerned with "justice," "civil rights," "modernization," while Nixon is only cravenly interested in his war against the unions? This bias is so blatant and ubiquitous in academia that this type of writing is seldom challenged. Skrentny adds other motives for Nixon's resurrection of the Philadelphia Plan: all Presidents want to be remembered through grand policies. The Philadelphia Plan, however, is far from qualifying as a "great policy" (179). In addition to AA, Nixon created the Office of Minority Business Enterprise, which sought to promote black capitalism. It was a race set-aside, targeting race as no Democratic project had (192). When the Nixon Administration revived the Philadelphia Plan, to make it legal it decided to require definite quotas, instead of the vague ones declared illegal the previous year (193). However, to dodge the 1964 Civil Rights Act's provision that had explicitly forbidden quotas, the Nixon Administration would call the quotas, "goals" and "targets" (195-96). This attempt to replace equal opportunity with equal outcome, and color-blindness with race preferences to achieve quotas was opposed by Republican Senator Everett Dirksen, who reminded the public that it was in his office that Title VII of the Civil Rights Act had been written (196). Dirksen knew a quota by any other name was still a quota, and illegal by the provision of the 1964 law. But Dirksen also had cancer, and he died before he could prevent Nixon's subversion of the Civil Rights Act. Nixon pushed quotas, and Congress was divided.

Skrentny observes that the Philadelphia Plan was "the most radical civil rights employment measure in American history (198), yet it was directly challenged in Congress not because of its race preferences and AA provisions but on the question of executive powers. It was Congressional Comptroller General *vs.* the Attorney General; Congressional powers *vs.* those of the Presidency. One of the few who fought the race preferences and quota issues was Democrat Senator Sam Erwin of North Carolina. He was incredulous at Nixon's Labor Secretary George Schultz' testimony reinterpreting equal opportunity and civil rights in Orwellian terms. But because Erwin had opposed the original civil rights legislation, his attack was discounted as anti-civil rights. Nevertheless, by December 1969 Congress voted to oppose Nixon's AA policy by passing a rider to a bill that would grant power to the Comptroller General to declare the Philadelphia Plan illegal. Nixon and Schultz went all out to save the quota plan, demanding that Congress reconsider. Schultz

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

asserted that the House of Representatives should vote "with the President for equal opportunity" (204). Of course, the plan would deny equal opportunity to whites, but the media would not be emphasizing that fact. Skrentny is correct in observing how much the lines had changed in 5 years. Many of the opponents of the quota plan were too timid to openly oppose the quotas, basing their arguments on separation of powers between Congress and the President (204). Even the labor unions that opposed the Philadelphia Plan were unable to focus on the threat of quotas that this policy entailed. Instead, they stressed how Nixon hated labor.

Nixon decided to make each Congressman vote openly, either for unions, or for civil rights. The point was: Democrats are token oriented, the GOP is jobs oriented (205). Black California Democrat Congressman Augustus Hawkins denounced the Philadelphia Plan asserting, "The Administration . . . prefers to confuse the issue with a new and different approach unsupported by a single civil rights authority or organization" (207). Before Christmas, Congress voted in favor of the Nixon Plan, and explicit, race-conscious "justice" became official US Government policy (207). In February 1970, the OFCC expanded the Philadelphia Plan's quotas to all federal contracts with Order #4. Skrentny adds that Nixon supported much liberal legislation, increased food stamps, unemployment benefits and signed the most regulatory legislation since FDR (219).

While civil rights activist Bayard Rustin still wrote against AA into the 1970s (221), most liberals embraced the new philosophy. The Democrats sought to impose quotas at their 1972 convention, and because Chicago Mayor Daley's delegation lacked a sufficient proportion of women and minorities, it was unseated. McGovern endorsed AA. Meanwhile, Nixon, who had institutionalized racial quotas throughout government, denounced them in his speeches. Following the 1972 assassination attempt that crippled George Wallace during the primaries, Nixon could more readily deceive on the issue of AA because the President no longer had a challenger to his right. Wounded Wallace could not expose Nixon's hypocrisy. Against the pro-AA Democrat George McGovern, Nixon won 49 of 50 states.

Skrentny observes that the white male elite pushed AA. Riots made it easier to accept (223), as jobs for blacks had a high priority. The Kerner Commission had blamed the riots on white racism and had heard some testimony urging racial quotas. Nevertheless, Skrentny concludes, it was not ideology, but administrative pragmatism that propelled agencies such as the EEOC toward AA. Furthermore, AA became a part of civil rights because equal rights had been expected all along (223). Skrentny notes that opposition to AA was almost non-existent (224). He provides some suggestions for this: the courts hid the novelty of AA by enfolding it in the language of the earlier equal opportunity, color-blind law; Nixon used AA to divide the Democrats; and there were diversions of school bussing, Vietnam and other issues (235). Furthermore, as the Left abandoned the goal of full employment to embrace AA, the "Republicans loudly backed away from that

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

which they had made possible" (224). This is only part of the story. Republicans may have spoken against AA, but they not only made it possible, they often expanded and institutionalized it. Even Skrentny notes that during his two terms, despite all his speeches, President Reagan issued *no* anti-AA Executive Orders and did little to change the policy (226). Indeed, AA expanded under Reagan. Again, Skrentny reports that when Senator Ted Kennedy proposed new civil rights legislation in the early 1990s, President Bush spoke against the "quota bill"; but Bush did not threaten to veto a "preference bill" (227). Ultimately, Bush even signed the quota bill in 1991.

By 1995, AA was under attack. Skrentny blames a number of factors, including the fall of the USSR (228). To help save AA, Jesse Jackson has stressed how it has benefitted women. Skrentny adds that women constitute about half the beneficiaries of AA, but most of the criticism is directed against blacks (229-30). Skrentny is unsure of the future of AA. The wild card is black riots. However, as the Cold War is over, Americans may no longer choose to reward rioters. According to Skrentny, ". . . the logics of action which created AA were not themselves extraordinary, and have implications for future studies" (231). He shows that, unlike the unions, business did not oppose AA (232). This is both true and false, for by the mid-1970s a union, with Kaiser Aluminum, agreed in their training programs to bypass more senior whites like Brian Weber and promote more novice blacks. Weber had to sue both the corporation and the United Steelworkers of America to seek equal opportunity. In 1979, the US Supreme Court rejected his demand and legalized union discrimination against their white members. Skrentny also claims that all interests are social constructs (232). This certainly applies to "white male privilege." In whose interest was it to construct a category, "white male," and then denounce it as privileged and deserving to be discriminated against?

***

Carl Cohen has managed to write one of the dullest books on one of the most heated topics in American politics. It is unnecessarily repetitious, narrowly legalistic and generally unconcerned with the real world. One example may suffice. Cohen writes: "Deteriorating race relations across the country now drive this point home: racial preferences 'foster intolerance and antagonism against the entire membership of the favored classes'." (211). For such a pronouncement about American society, one would expect a fat and juicy footnote. Unfortunately, the relevant footnote only reads "448 U.S. 547" (226). Indeed, almost every footnote in the book refers to some Supreme court opinions or those of some of other justices. While some populists complain that politicians have an "inside the beltway mentality," Cohen's rarely extends beyond the steps of the Supreme Court.

Some of the chapters were originally printed in *The Nation*, *Commentary*, or

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

law journals a decade or two ago. A footnote to update them does not suffice. Moreover, compilation of earlier articles results in duplication of arguments. Cohen seems convinced that the *Bakke* decision should have ended quotas both hard and soft. Yet, in his last chapter, he recognizes that the opposite has occurred. Universities routinely discriminate against white applicants because of race. Most of his earlier arguments assume that the court is in agreement with him against race-preference AA, but he finally notes that since *Bakke* throughout society the machinery of race and gender preference has grown and become entrenched. If the Supreme Court had truly ruled as Cohen analyzes it, why did the Court allow this proliferation of preferences to continue?

The book's best chapter concerns the Supreme Court's decision of 1979 against Brian Weber. Though there had been no previous discrimination against blacks in the plant, both the corporation and the union had agreed on double standards to promote black workers, at the expense of low-ranking white workers. Cohen seems horrified that the court could so blatantly disregard the Congressional debates on the Civil Rights Act of 1964, in which proponent after proponent of the legislation denied that quotas or racial preferences would ever result. Cohen believes AA is unjust, yet he looks to the judiciary, the least democratic branch of government, as the best hope of ending it. Perhaps he should reread his own chapter on *Weber*. Not only is there an unreal, narrowly legalistic quality to this book, but Cohen fails to consider some of the most important, relevant cases — like *Griggs* in 1971 which, in essence, abolished general intelligence as a standard for many jobs; a high school diploma as a prerequisite; and forbade questions concerning a criminal past as a bar to most jobs. Furthermore, by not including an index and skipping over the dates of various cases, Cohen's volume is inadequate as a reference book.

***

Clint Bolick, an attorney who has worked for the EEOC and the Justice Department under Presidents Reagan and Bush, now heads "The Institute for Justice." This organization strives to "empower" people, especially poor blacks, by providing government vouchers for school choice; tenant control of public housing; methods for converting tenants of public housing into owners; and efforts to strike laws that tend to block black initiative, such as taxi regulations, minimum wage laws, etc. Indeed, part of this book is a summary recounting of cases handled by Bolick — including his efforts with maverick black Democratic state representative Annette Polly Williams of Milwaukee to provide state funding for alternative schools. Vouchers sent to parents allow them to decide which schools, public or private, they desire their children to attend. If the wealthy can have choice of schools, why not poor blacks? In pursuit of expanding this policy, Bolick attempted to speak with a sympathetic minority parent group in Los Angeles in April 1992. By chance, he found himself in South Central LA the

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

night of the Rodney King riots. Though Bolick was kindly received and protected by the poor, honest, black parents he had come to address, getting to and fro was terrifying. Thugs threw bricks at his car, and he was lucky not to be lynched by some of the black mobs that roamed the streets.

One of the better parts of this book is Bolick's discussion of the concept of civil rights as developed from Enlightenment philosophers through Thomas Paine, who claimed that a civil right was simply a natural right given by the individual to the government because it could better insure that very right for the individual. Thus, a civil right was simply a natural right exchanged. Bolick also argues that the entire thrust of the first racial civil rights movement in the US, the Abolitionist movement, was for color-blind laws. He also maintains that this was the ideology of civil rights until the 1960s. Similarly, Bolick argues that the aim of the civil rights movement from Paine through the 1960s was to reduce government; after the 1960s, to increase it. Bolick therefore argues, correctly, that there was a sharp break in the meaning of civil rights in the 1960s.

Though Bolick's volume reads well, there are disappointing omissions. In what way is AA a fraud? Bolick claims it does not aid the black underclass, those who are locked into ghetto poverty, crime, and drugs. But others argue that it has helped to create a black middle-class. And while he may cite statistics that only half the African-Americans in surveys support race preferences for minorities, surely he is aware of the machine that has grown and exists because of racial set-asides, "diversity" hiring, AA promotion, and scholarships. This is a powerful constituency that demands AA continue and expand. So what if it is different from the civil rights theories propounded prior to 1960. If it has failed to aid some of the desperately poor blacks, so too have other programs — and AA undoubtedly has helped some.

Furthermore, could not Bolick's solutions of empowerment be combined with AA? What is wrong with school vouchers *and* set-asides for black businesses, or even set-aside funds for black private schools? Government aid to tenants in public housing might be joined with race-based financial set-asides. If this is contrary to the civil rights theories that preceded 1964, so what? Bolick himself quotes Thurgood Marshall as an attorney in the 1950s before the Supreme Court arguing in favor of the color-blind approach. Yet, once a justice on the court, Marshall reversed himself, saying, "It's our turn now," as he voted in favor of race preferences for minorities whenever he had the chance. If Bolick's foremost objective is to empower poor blacks rather than end AA, then such empowerment might be accomplished without ending AA, or in conjunction with AA. Bolick would then have few arguments left against AA.

There are other problems with Bolick's account. An attorney, Bolick envisions the courts as the chief defenders of individual rights (34). But AA is the denial of individual rights in favor of group rights. He concedes that the "new" civil rights agenda of group-rights preferences was pushed and sanctioned by

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

courts and bureaucrats (48). Therefore, when it comes to AA, the courts have been leaders in denying individual rights. Bolick, who worked in Republican Administrations and opposes AA, calls the Clinton Administration the most quota-driven in history (109). This amounts to little more than Bolick's bias against the Democrats. The system of preferences, set-asides, and quotas (goals and timetables) became national policy under Nixon, who also extended it from blacks to women, Orientals, American Indians and others. The Clinton Administration may be attempting to cross the "t's" of quotas, but the Democrats are merely embellishing a Republican-initiated system. Bolick concedes that neither Reagan nor Bush rescinded Johnson's Executive Order 11246, the theoretical basis for much governmental propelled AA (115) and he condemns Bush's betrayal of the color blind ideal when the president yielded and signed the Civil Rights Act of 1991 — one which Bush had earlier, and rightly, denounced as a quota bill (114).

Bolick is so interested in "empowering" poor blacks, he distorts the plight of poor whites. He assures his readers that few whites have been hurt through AA (125). That is contrary to fact. Then he claims that in order to criticize AA and demand its termination, one must present an alternative. But if one criticizes slavery, must one propose an alternative other than abolition? When feminists accuse a program for favoring white male privilege, they demand its dismantling, not a substitute to restore it. If AA is discrimination that denies equal opportunity to whites and men, and most especially poor white men, is that not enough to demonstrate that it should be abolished? And the differences are clear: "white male privilege" is a myth. However, female and minority preference policies are real and are now embedded in the law, through judicial precedent and bureaucratic rulings. The only institutionalized legal form racism and sexism in the US is AA. Bolick seeks to portray his "empowering" projects as a substitute for AA. However, as much of this empowerment is compatible with AA, it need not be a substitute but could be an addition to it. In promoting his empowerment agenda and placing it in the best possible light, Bolick underestimates the true injustice and fraud of AA.

***

Eastland clearly presents a short history of the colorblind civil rights movements in America, stretching from the Abolitionists to the civil rights movements of the early 1960s. He also depicts its demise with the growth of race-conscious AA in the 1960s. Not only is the author opposed to AA, but he gives examples of its victims (1-5, 143, and scattered throughout). Unlike most of the previous authors, Eastland stresses the enormous scope of the AA system as it has penetrated American institutions. A Republican, Eastland has no qualms in describing how AA became national policy with Nixon (53-56), and advanced under Reagan and Bush (63, 99-100). He notes that in the Hopwood case, in which the initial ruling of 1994 favored continued use of race-based admissions policies

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

that discriminated against whites, the judge responsible had been appointed by Bush with the recommendation of conservative Texas Republican Senator Phil Gramm (71). Of course, Eastland does not pretend it was only Republicans who advanced AA. He notes, for example, that during Carter's term, the Democratic Congress passed, and the Democratic President signed, the Public Works Employment Act in 1977, with a 10% racial set-aside on government projects — a law upheld by the Supreme Court in 1980. He exposes some of the mendacities of AA supporters, providing instances of when they have demanded specific quotas in hiring (11), and the hiring of *un*qualified minorities (12). He explains how many of the private "voluntary" AA programs are implemented only because, without such programs, the firms might suffer heavy fines. Thus, "voluntary," like "equal opportunity," "not quotas, but goals and timetables," "ending discrimination," "hiring only qualified minorities and women," and other phrases take on Orwellian meanings when uttered by AA proponents.

Eastland stresses the unanticipated role of the change in immigration laws on AA policy. Programs once justified to help American blacks overcome the injustices endured during slavery and segregation, now provide fewer preferences to blacks than to recent third world immigrants and their children (150). Indeed, three-quarters of new immigrants qualify for AA preferences that give them an advantage over American born white men (17). Eastland relates how various ethnic groups have lobbied to be included on the Small Business Administration's list of pet groups that receive preferences (146-47), how blacks have fought to rescind preferences for Asians in Ohio (148), while Latinos in California have complained that blacks have too high a proportion of government jobs there (18). Eastland reiterates how most Americans since the 1970s, when polled, have opposed AA (164), but large corporations favor it (100-01). He defends the Civil Rights Act of 1964 and the Voting Rights Act of 1965 as the triumph of the color-blind approach (37). Even today, he sees nothing objectionable in the 1964 law's Title VII, only its deformation by judges and bureaucrats (190) He has written a sensible, easy to comprehend book on the history of the struggle for equal rights for blacks, which culminated in the Civil Rights Acts of the mid 1960s, and the more recent struggle for equal rights for whites and men — the struggle against AA that has yet to succeed.

***

The strongly pro-AA Bergmann and Skrentny, and the strongly anti-AA Eastland all recognize that big business supported AA. None of these authors, however, explains why. Fear of riots is the only rationale provided by Skrentny, but that was relevant only in the 1960s. Bergmann sees it in terms of the global responsibility by large corporations. Neither Eastland nor Bolick even speculate on this question. With Marxist and most other radical analyses long since forgotten after the collapse of "really existing socialism," none of them see it as part of

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

the logic of "the totally administered society" — a logic according to which, in the age post-industrial capitalism, big business and big government grow increasingly close in administering an allegedly passive society of abstract individuals. In a context of oligopolistic capitalism, where wages and prices are no longer set by the informal unfolding of market relations but, rather, by government rules and regulations, there is no incentive for big business to challenge any of the social policies deemed necessary by the state apparatus now fully entrusted with social management functions. After all, in addition to wreaking havoc within the more conservative and therefore less manipulable unions, thus contributing considerably to weakening them to their present state of increasing social and political irrelevance, AA also causes major headaches to small businesses still mired in a residual entrepreneurial capitalism, where rising costs resulting from having to hire AA incompetents rather than "the most qualified" applicants cannot simply be factored in state-set prices as "normal costs of doing business."

Much to the chagrin of liberal social engineers, however, people have turned out to be much less manageable than Enlightenment ideology assumed. Resistence to liberal policies has been unexpectedly strong and the bureaucratic apparatus has been able to bribe people into acquiescence (through reckless deficit spending resulting in increasingly unmanageable national debts) by deploying no longer sustainable, lavishly funded social programs for the benefit of whomever seemed to pose the threat of opposition. This helps explain why, in recent decades, there has been social acceptance of government policies by the business, media and academic elites, while polls indicate ordinary people overwhelmingly oppose the. Despite the widespread popular belief that race and gender preferences constitute racial and sexual discrimination, and are therefore immoral and unfair, the business elite and the liberal academia elite continue to uphold these policies. This predicament, however, may be further evidence that the modernist bond that kept liberal democracy together for so long is gradually disintegrating, leaving increasingly abstract liberal ideals contraposed to a democratic polity less and less willing to sustain them. Is AA the last expression of a modernity which, having failed to social-engineer society into an aggregation of homogeneous abstract individuals, is now seeking to enforce proportional representation among equally abstract groups? If so, AA may be a symptom of a more general liberal decay remediable only through an uncompromising reiteration of democratic ideas.

***Hugh Murray***

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

# *Reflections on a Fairy Godfather*

George Soros with Byron Wien and Krisztina Koenen, *Soros on Soros: Staying Ahead of the Curve,* (New York: John Wiley & Sons, 1995), 326 pp.

In traditional Jewish funerals, beggars usually join family and friends of the deceased in the *kaddish* prayer. When the funeral service ends, the beggars start chanting their own prayer: Charity will Save from Death! Charity will Save from Death! (*sdaka tasil mimavet!*). As the dead body of communism is interred in the ground of history, East European intellectuals accompany the funeral march chanting their own version of "Charity will Save from Death" (and political instability, rabid ideologies, xenophobia, war, hunger, and pestilence). The main donor (*nadvan*) at the funeral of communism is the Hungarian-born financier George Soros. Since Soros does not plan for his philanthropic enterprises to outlive him, East European intellectuals pray for his longevity. If charity really saves from death, should live 120 years, the biblical limit on human longevity.

Soros is the fairy godfather of East European intellectuals. Forsaken by governments that do not care for education or culture, obstructed by the old *apparatchiki* who still control the state education bureaucracies, betrayed by Western "philanthropic" foundations that care more for themselves, besieged by economic woes in nascent markets that have not generated sufficient demand for their services, East European intellectuals have few places to turn to. Soros has been the biggest single benefactor of East European intellectuals, as well as democratic cultural and educational causes. He founded and has been financing the Central European University and numerous other projects through his chain of foundations.

As fairy godfathers go, Soros has attracted an undue number of critics. In Eastern Europe, the *apparatchiki* resent the transfer of money to democratic and reform oriented intellectuals who undermine their positions. Xenophobes and paranoids, such as president Tudjman of Croatia and the Hungarian Democratic Forum party, regard Soros as the vanguard of the ruthless cosmopolitan "Jewish-intellectual-capitalist" conspiracy to make their societies more open, civilized and prosperous. Particularly suspicious and megalomaniacal East Europeans search for some ulterior motive for Soros' apparent altruism: perhaps he seeks political power or economic profit from the economically backward countries of Eastern Europe. Jealous Westerners accuse Soros of philanthropy for the sake of public relations. True, he has made most of his fortune in financial speculations, which is neither the most productive, nor the most popular way of making money. Still, had public relations been what Soros is after, he could have spent his money

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

in the West where he makes his money and requires public relations. *Soros on Soros* is a series of serious, searching, thorough and sometimes sarcastic conversations between Soros and Wien and Koenen. He talks about his life, his financial theories and investment stories, his *Weltanschauung* and philanthropic activities.

The effectiveness of Soros' numerous philanthropic achievements has been thwarted by the social structures in which he has to operate. His ability to deal successfully with entrenched East European political elites and Western academic networks is weakened by an internal contradiction in his concept of charity. On the one hand, he says: ". . . philanthropy is basically a corrupting influence; it corrupts not only the recipient, but also the giver, because people flatter him and never tell him the truth. It's the role of the applicant to find a way to get money out of the foundation, and it's the role of the foundation to prevent people from taking advantage of it. To protect itself from the people who want to take, a foundation needs to be either very bureaucratic and have very strict rules, like the Ford Foundation or the state, or it should keep a low profile, working quietly in the background. I chose the later alternative, you know: 'Don't call us; we'll call you'" (113). On the other hand, he says: "We have very strict rules to ensure that awards are made on the basis of merit and not on the basis of connections. We consider transparency in the process of making awards even more important than the awards themselves . . ." (140). These two policies are inconsistent. If the foundation is "closed," i.e., does not have open competitions for grants and appointments, how can it decide how to distribute its resources? Only according to the *connections* of the managers! Even the most honest and committed directors with the best knowledge of the target population cannot know everybody everywhere and cannot distribute the funds optimally. But to be realistic, any group of people that receives lots of money for charity with a permission to lead a policy of "Don't call us; we'll call you" is bound to corrupt and to devolve into a patronage system. The "closed" principle may have been necessary when Soros' foundations had to operate half clandestinely in totalitarian environments, when open and transparent competitions were impossible. In most of contemporary Eastern Europe, there is no justification for the closed system principle, especially when it comes to Western management of Soros' money.

In the case of closed East European elites, Soros is the first to attempt to open, democratize, and reform them. The minority that benefits from the existing order of things — the *apparatchiki*, the bureaucrats, the nomenclature — attempts to divert Soros' money to empower themselves or at least to preserve their status. When they feel threatened, they attempt to drive out Soros' foundations. The situation then resembles somewhat US involvement in Somalia, where it attempted to assist the whole population but was driven out by a war lord who felt his position of power may be threatened if the whole population is saved from starvation. Sometimes Soros and his people manage to fool the *apparat*, sometimes the *apparat* wins, and Soros goes packing to the detriment of most of the community.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

In Communist Hungary, Soros got the better of the government. He sold state academic institutes photocopying machines (that could be used for photocopying illicit materials) for Hungarian currency and then reused the money to support dissidents and independent cultural initiatives. In Romania, Soros subsidized newsprint to encourage the free press of all political persuasions. He reports of similar successes in Poland, Bulgaria, and Ukraine. He gave a hundred million dollars to support tens of thousands of Russian scientists and to assist in the survival of Russian science. He has been giving money now for the expansion of the Internet in Eastern Europe, breaking geographical and censorship barriers.

In South Africa, Soros attempted to trick the apartheid government into co-sponsoring the education of 80 black students at the university of Cape Town, but the apartheid university *apparat* redirected some of the money for other purposes. Soros concluded that the apartheid state was taking advantage of him and divested until the recent change of government. In China, philanthropic aid was misconstrued as a lifetime relation of patronage, so Soros had to leave. The history of his foundation in Russia is typical of the kind of problems Soros is facing in a closed society: "The management of the Cultural Initiative Foundation, as it was called, fell into the hands of a reformist clique of Communist Youth League officials and they proceeded to form a closed society for the promotion of open society. I tried to prevail upon them to be more open-minded, but they couldn't shake off their Soviet mentality. When I became aware of it, I had to organize a *putsch* to remove them. . . . But the man who organized it, my lawyer in Moscow, then turned the foundation into his personal fiefdom so I had to organize a second *putsch* to get rid of him. The foundation then languished until we started the Transformation Project — an ambitious program to replace Marxist-Leninist teaching in schools and universities. With the full cooperation of the ministries, we made tremendous strides within a very short period — commissioning nearly a thousand textbooks, training school principles, giving grants to innovative schools, introducing a new curriculum in economics, sponsoring Junior Achievement. The project was so successful that I decided to throw a large amount of money at it and that was the cause of the next crisis. . . . The temptation must have grown too strong for the administrators of the program. . . . We got rid of our key operating personnel and the foundation has still not recovered from it . . ." (128-129). Though Soros is obviously aware of the corruptibility of his foundations and takes measures to guard against it, when he meets too much resistance from entrenched elites he tends to go packing and send his money elsewhere, rather than stay on and fight alongside reformist segments of society, whose advance threatens the entrenched elites.

More damaging is Soros' apparent lack of caution in his dealing with Western academics. At least from this book, it does not seem that he is aware of the difference between the institutional cultures of commercial or financial companies and academic oligopolies. Career advancement in financial firms tends to be performance oriented: either you make money or you lose your position. Career advancement in the academic system is more often patronage oriented and network generated: I'll

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

scratch your back if you scratch mine. When Soros gives money, especially to people from oligopolies like the Ivy League universities and Oxford, with permission for a "Don't call us, we'll call you" policy, it becomes possible for them to waste the money to advance themselves by spreading favors to patrons and proteges.

The history of the Central European University in Prague exemplifies the external challenges to, and the internal weakness of some of Soros' philanthropic efforts. The original idea for the university was noble and brilliant. Instead of trying just to reform exiting universities in Eastern Europe — a process that is likely to take many years even if successful — start a new graduate university from scratch. The university will adopt British education methods, the best in the world, and give quality education in English for the best graduates of East European universities in the social sciences and humanities. Recruit students from all over the former Soviet bloc and educate them especially in the kind of skills that assist in the processes of democratization and transition to the free market. Some of the best students will then go on to receive scholarships from Soros to study in prestigious Western universities. The Central European University should educate students in the liberal values of open societies and develop among them a spirit of solidarity that will assist in the development of friendly relations among the new elites of traditionally hostile nations such as Slovaks, Hungarians, Lithuanians and Poles.

The best location for such a university is Prague, the most beautiful city in Eastern Europe, an ancient cultural center, a symbol of the democratic transformation of Central-East Europe. In 1991, the government of Czechoslovakia was composed of former Charter 77 dissidents. It was enthusiastic about the idea and grateful to Soros for his donations to the Charter 77 foundation in Stockholm. The Czechoslovak government rented the building of Hotel Olsanska in Prague for the Central European University (CEU). Soros paid for everything else (salaries, materials, tuition and bursaries for the students). Two floors of the hotel served as classrooms and the rest was used as student and staff dormitories. The CEU managed to attract the best and the brightest from all over the former Soviet bloc. This is more than can be said about the Western management of the university. While few departments succeeded in a very short time to recruit an international East-West teaching staff, other departments were devoted to the career advancement of those who controlled the allocation of funds through spreading favors to academic patrons, and to a lesser degree to academic clients. The instruction in some departments consisted of revolving two weeks junkets for Western academic "stars." Often the books of the visiting lecturer were not in the library. Though the university was designed as a research oriented graduate school, the library holdings never permitted much research on a graduate level.[1]

1. By the time it was dissolved in 1995, the library of the CEU was the most updated in Central-Eastern Europe, but it was contained in three hotel rooms. It is possible to have world class research and scholarship without universities, teachers, or students. It is impossible without a library. There is still no single research library in Central Eastern Europe.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

In June 1992 the Czechoslovak government of Civic Movement Party (OH) was defeated in the elections by Vaclav Klaus' Civic-Democratic Party (ODS). Klaus refused to continue paying the rent for the CEU building and rudely declined to meet Soros after appointments had been set. There are numerous speculations on the reasons for Klaus' behavior. It could be that he is still not used to the democratic tradition of limiting political disputes to the political realm, and not pursuing political rivals in their personal and professional life. Soros gave some jobs in the CEU to former dissidents who lost the elections, like former Prime-Minister Petr Pithart. It could be that Klaus, who is anxious to integrate the Czech Republic into Western Europe, wanted to sever cultural ties with the East. Perhaps Klaus just hates Soros. Be that as it may, Soros decided to "punish" Klaus and move the CEU to Budapest.

When *Soros on Soros* was written in the first half of 1995, two departments of CEU seemed to remain in Prague: ". . . we haven't abandoned Prague. President Vaclav Havel offered space for the university in the president's castle. I was delighted to accept his offer, because it showed that the university had some support after all. We are planning a major new initiative in Prague, a department that combines international relations with ethnic relations. We have moved the former research institute of Radio Free Europe to Prague and it will also be connected with the university" (135). President Havel gave the CEU's program in the history and philosophy of art and architecture a beautiful building on the medieval *Zlata Ulicka*. The British equivalent would be for the Queen to give a wing of Buckingham palace to a university. It seemed as though the problem was solved. But then a group of *apparatchiki* from New York University killed the program in the spring of 1995 by refusing to accredit it. Soros sent a fax, and it was over. Why? Speculations are numerous. Former lecturers in the program claim that the committee expected the program to supply them and their networks with pieces of the Soros cake. When that was not forthcoming, they killed the program. The money left in the program was used for a "conference" on post-modernism. According to a CEU librarian, once Art History was dead, certain Czech officials in the higher echelons of CEU plundered the CEU library for their private libraries, stealing the expensive art and architecture books that were bought to get the elusive accreditation. Then, only international relations and the Institute for the Study of Nationalism remained in Prague because native Czech speaker Ernest Gellner, who directed them, refused to move elsewhere. When Gellner died unexpectedly at the end of 1995, the students were moved to Budapest. CEU Prague came to an end.

Soros realizes that such "Western aid" is designed to aid the West and not the East. "The trouble is that technical aid is provided by bureaucracies with all their negative features. Bureaucrats are sometimes very decent, well-intentioned people, but they are confined by rules. We joke inside the foundation that Western aid is the last remnant of the command economy, because it is designed to satisfy the needs of the donors, not the recipients" (174). The joke is true, but not

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

funny. Most of the so-called aid from the European Union uses Eastern Europe as a way-station between West European taxpayers and academic networks of Eurocrats. Only a small fraction of the money actually remains in Eastern Europe. The same narrow-minded immoral policy is responsible, in Soros' opinion, for the political mistakes of the West in Eastern Europe. He thinks the collapse of the Soviet economy would have been less radical had the countries that lent money to the USSR during the last years of Gorbachev imposed strict conditions for the benefit of the Soviet economy: "the conditions were designed to benefit the lenders, not the recipient. Germany lent tens of billions to gain Gorbachev's consent to the reunification of Germany. I remember a $5 billion credit from Italy for the promotion of Italian exports. Exporters had to pay 5 percent to the brother of Italy's then-Foreign Minister, Gianni De Michelis, who is now in jail. But no thought was given to the effect on the Soviet economy" (162-163). "Western assistance has gone through three phases. In the first phase, we should have offered assistance, but we didn't. In the second phase, we promised it, but we didn't deliver. In the third phase, we delivered, but it didn't work" (174).

Soros recognizes the danger that his foundations may turn into something like the Ford Foundation. He thinks that his foundations should not outlast him because "they are bound to stray from their original goals. They are institutions with a mission, and institutions tend to put their institutional interests ahead of their original mission . . . . They should not be endowed by the money of a dead man who cannot exercise critical judgment" (148). I think there are two solutions. First, keep the foundations truly open, transparent and public by advertising all positions, grants, and open everything to free, equal, and merit determined competition. Second, Soros' philanthropic empire has outgrown the ability of Soros to control it by himself. The Soros empire needs an internal-control unit, perhaps even an ombudsman.

There is one sure investment Soros should consider funding. The scandal of Eastern European culture and education is that Western books and magazines are rare. Governments do not care for information, Western agencies care only for themselves and their networks, the old *apparatchiki* fight against books that would expose their ignorance and incompetence, and old habits of theft are still common. Eastern Europe needs more than books, it needs to import the *concept* of a research library. If Soros were to fund the establishment of research libraries he would do much more than create the conditions for world standard academic scholarship and research, he would allow medical doctors to give better treatment, help fledgling businesses learn what happens in the world concerning their business, break the hierarchy that is based on unequal distribution of Western knowledge, break the dependence of scholars on the university bureaucracy, bring East European intellectuals into direct and prolonged contact with Western scholarship, and help the political system approach equilibrium. In sum, Soros would demolish the intellectual iron curtain that descended on Europe 50 years

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

ago and has not been lifted yet. States could provide the buildings, the existing stocks, and some funds, and Soros would provide contemporary books and journals, training for existing stuff, some additional trained librarians to co-manage the libraries, and security structures and devises to prevent theft. This could be Soros' greatest and most long-lasting contribution.

Though his background is Popperian, Soros attempts to go beyond his master. Some of his critiques and ideas actually adumbrate much of contemporary philosophies.He senses the deficiencies of Popper's philosophy and attempts to outgrow his Popperian roots. But since he is not very familiar with what has been happening in philosophy for a generation, he finds it hard to communicate his philosophy. He would have done a much better job had he related his ideas to other philosophies that discuss similar problems and have similar positions to his. Soros theorizes his practice as a financial speculator. He argues that in some situations our fallible theoretical conceptualization of a situation influences the situation itself. When the gap between theory and reality becomes too great, the bubble bursts. This is useful as a critique of the philosophical foundations of classical economics, especially its assumption of perfect information, and as a conceptual framework for understanding some rational decision making. As Soros puts it, economics is inapplicable to the real world of financial markets.

The modern philosophy of science actually fits Soros' approach much better than the revised positivism of Popper. Soros expresses doubts about Popper's unity of method between the "social" and natural sciences. But he does not consider that Popper was wrong about the scientific method (united or not) to begin with. The distinction Soros tries to establish between the natural sciences and "Alchemical sciences," like his financial/ philosophical theory, is based on a wrong image of the natural sciences. The work of philosophers like Lakatos and Quine demonstrated that theories are not as falsifiable as Popper made them. Studies of the history of science showed that science does not really evolve as Popper envisioned. Scientists (and politicians) really do not forsake their theories once they are falsified. They rather invent *ad hoc* hypotheses or wait for a better theory to come along. This resembles what Soros terms "static disequilibrium," when there is a gap between perception and reality in a static state.

Soros works with a correspondence theory of truth, which he then rejects. But he seems not to be aware that there are some alternative theories of truth. A pragmatic theory of truth would fit a market oriented theory of decision much better. Soros sometimes uses the expression "works" as synonymous with "is true," and that is pragmatism in a nutshell. He looks for a new logic that has more truth values than two. Such a non-bivalent logic has already been developed.

The further Soros gets away from the financial markets that inspire his theory, the less applicable and more metaphorical it becomes. From the performance of financial markets, he gets by association to the lack of fundamental values in democratic societies and the self-reflexive fallibility of his philosophical system

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

and the absence of stability in his search for stability. The relations between the various units of this train of thought seem tenuous. Soros' conclusion is that in open societies people are aware of their fallibility and that leads to stability. The markets are not always right, but they allow space for correction, they are the best system of allocation, leading to dynamic equilibrium in contrast with the totalitarian static disequilibrium.

To use Soros' philosophical terminology, much of academic philanthropy to Eastern Europe is in static disequilibrium. The actions of foundations do not fit the needs of the recipients. It is time to burst the bubble. Soros made much of his money on predicting the burst and moving his money accordingly, "staying ahead of the curve." Most of his foundations are already ahead of the philanthropic curve. It is time to move all of them beyond the horizon.

***Aviezer Tucker***

**new political science**

*Issue #36 -- Nicole Fermon and Joseph Kling,*

B.E. Babich, *The Logic of Woman in Nietzsche: The Dogmatist's Story;* Robert Tristam, *Vico on the Relationship Between Knowledge and Practice;* Honglim Ryu, *Sources of Communitarian Ethics;* Nathan Sznaider, *Compassion or Rights: The Case of Child Abuse;* Debra D. Burrington, *When Worlds Collide: The War Between Gays and God;* Brian Rappert, *Patents, Periphery, and Politics: U.S. Initiatives of Hegemony in Biotechnology;* Gred De Laurier, *Maoism, the New Left in the United States, and the Rise of Post-Modernism;* George Katsiaficas, *Marcuse's Cognitive Interest: A Personal View*

Subscription rates for 4 issues: Individual $30; Low-income $15; Institutional $65; for foreign mail add $5. $5 off for CNPS members. Issue sold separately for $10.

Send with check for U.S. funds payable to "NPS" to New Political Science, Dpt. X, c/o Government Department, Suffolk University, Boston, Massachusetts 02108-2770, U.S.A.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

# *Canada in Crisis*

Kenneth McDonald, *His Pride, Our Fall: Recovering from the Trudeau Revolution* (Toronto: Key Porter Books, 1995), 137pp.

McDonald's thesis is that the chief villain in the unfolding tragedy of Canada is Pierre Elliott Trudeau and, to a lesser extent, his predecessor Lester B. Pearson. Goldwin Smith's well-known late-19th century comment that Canada was "rich by nature, but poor by policy" seems to hold true today. The second-largest country in the world, rich in resources, Canada has been virtually bankrupted by government profligacy. Canada has been called "the impossible country," and many have considered it "an impossible country to govern." The accumulated national debt is now reaching 600 billion in Canadian dollars (one Canadian dollar equals about $.72 US), which per capita is six times that of the US. Canada now welcomes about a quarter-million immigrants per year (according to official figures), nearly all of them from non-European countries, an over-all rate proportionately about five times that of the US. Outside of a few countries in Europe, Canada also has probably the most extensive welfare-state and managerial-therapeutic establishment in the world in terms of per capita costs. Canada's largest employer is the federal government. Canada's second-largest employer is the provincial government of Ontario.

The development of the new, multicultural, welfare-state in Canada began with Prime Minister Pearson. Although Canadian provinces are far more autonomous than American states, the Prime Minister has far more power than the US President. He conjoins executive and legislative authority, being the leader of the ruling party (or coalition of parties) in the elected House of Commons. The powers of the Monarchy (Queen Elizabeth II is represented in Canada by the Governor-General at the federal level, and Lieutenant-Governors for each province) and Senate (an unelected higher chamber whose members are appointed by the Prime Minister for terms whose duration is limited only by the mandatory retirement age of 75) are residual. The first-past-the-post riding system tends to produce majority wins in the federal House of Commons. Trudeau realized that the Prime Minister was the key to formal power in Canada and that, if he held on to that office long enough, he could do virtually anything he wanted. But it was Pearson who began the process of fundamental transformation. He came into power with a minority government (his Liberal Party had a plurality rather than a majority of seats in the House of Commons), but he enjoyed the support of the left-leaning New Democratic Party (Canada's social democrats). This situation, repeated often in the following decades, meant that the small, very left-leaning third party

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

was in fact setting the agenda for the whole country. In a significant move away from its more traditionally-oriented roots, at the beginning of the 1960s the party had changed its name from the Co-operative Commonwealth Federation (C.C.F.). Pearson carried out much of the groundwork for attenuating the traditional vision of Canada. A Canadian cultural traditionalist would identify the replacement of the Red Ensign (Canada's traditional flag, on which the Union Jack figured prominently) with the Maple Leaf flag (dubbed the Pearson Pennant) in February 1965 as a symbolically pivotal event. Many times in modern history, the change of a country's flag had denominated a fundamental change of regime. Certainly, the Liberal Party interpreted it as a signal for ushering in a "new Canada," confirmed by the glibly futuristic celebration of the Centennial of Confederation with the internationalist and "forward-looking" Expo '67 in Montreal.

McDonald focuses on another part of Pearson's policies: his strategy for increasing federal power and undermining the fiscal autonomy of the provinces. As conceived in the British North America Act of 1867, the division of powers between the federal government and the provinces had been very carefully delineated. Although there was a centralizing bias in the document (as all powers not specifically mentioned were apportioned to the federal government), Canada's subsequent politics, economics and geography tended to increase provincial autonomy. Pearson found a method for the federal government to help fund national medical insurance together with the provinces. Though this seemed admirable at the time, it created a dangerous precedent for ever-increasing federal power and spending. A polity as large and geographically diverse as Canada can never properly function as a highly-centralized state, so increasing federal government intervention in the affairs of the provinces led to increasing fracture along cultural and regional lines.

1968 may have meant the "year of revolution" throughout the world. But in Canada it meant something else. In tune with their traditional deference to authority (a trait endemic to traditionalism in earlier times), Canadians wildly endorsed the Liberal Party, and especially its dynamic new leader, Pierre Elliott Trudeau. It has been claimed that Trudeau, a long-time socialist (who had refused enlistment in 1940, not wanting to participate in what he then called "an imperialists' war," and had gone on extensive trips to the East Bloc in the early postwar period) had eventually joined the Liberal Party for tactical reasons — and then practically hijacked it. He came from a wealthy family (his father was French, his mother English but Roman Catholic), and was renowned for his intelligence, and his versatile bilingualism (French and English), which was increasingly becoming a highly-prized attribute for all Canadian politicians. He was educated by Jesuits at the elite Brébeuf College, against which he had reacted in Voltairean fashion with a particularly sharp anti-clericalism. He made a splash as Justice Minister and social liberal under Pearson, becoming famous for his quip that "the state has no place in the bedrooms of the nation" (referring to the revocation of

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

the Anti-Sodomy Statutes). No resistance seemed possible to "Trudeaumania" in 1968, which also coincided with the lowering of the voting age from 21 to 18, at a time when all the youth trends were so overwhelmingly to the Left. Richard Gwyn has dubbed him "the Northern Magus," suggesting something almost supernatural about Trudeau's all-but-hypnotic appeal to many Canadians. Others in the media dubbed him "the Philosopher-King." The man's intelligence and ready wit were undeniable. The term was perhaps more apt than some media-flacks recognized, as Trudeau saw himself as an erudite *philosophe*, bringing Enlightenment to the benighted country, hoping Canada would become the setting for his multicultural welfare-state utopia — the so-called "just society," free of the poisons of ethnic nationalism and religious sectarianism. Cheered on by a largely friendly media (despite appearances of antagonism), over his sixteen-year tenure he carried out a fundamental transformation of Canada.

In 1972, Trudeau's reign was almost nipped in the bud, when Robert Stanfield led his Conservative party to a plurality in the House of Commons. But Stanfield was unable to be Prime Minister even for a few days, as Trudeau and New Democratic Party leader David Lewis immediately announced a coalition. In 1974, David Lewis voted against his ally, bringing the Liberal government down. In the ensuing election, the Liberals won a resounding majority. Until 1979, it was virtually government-by-decree, as one innovating measure after another was brought in — coast-to-coast bilingualism (i.e., French-language services were to be offered coast-to-coast, although 80% of French-Canadians lived in the province of Quebec); multiculturalism; a wide-open immigration policy; the racking up of enormous deficits, etc. In 1979, Canadians voted in the Conservatives under Joe Clark, who ended up a few seats short of an outright majority. Trudeau apparently promised to retire. However, the sharp Liberal politicos managed to defeat the Conservative government by a few votes in the critical budget vote in the House of Commons. The Liberals turned the election into a referendum on the 18 cents a gallon increase on the price of gasoline (which would have brought the price up to 75% of the benchmark world-price), which had been promised to help oil-producing Western Canada. In a situation indicating the formal difficulties of the Canadian polity, the Liberals were able to form a government with only one seat west of Ontario (while the Conservatives won only one seat in Quebec).

With a fresh majority in hand, Trudeau could enact the capstone of his career — the Charter of Rights and Freedoms. As McDonald points out, Canada had formally been given its complete independence from Britain through the Statute of Westminster in 1931, so the very process of "patriating" the constitution was questionable. Traditionally Canada's Constitution consisted of the British North America Act, some smaller documents, and many unwritten conventions derived from the history of the British and Canadian Parliaments, and from British Common Law.) The radicalism of the enactment of a formal Charter of Rights in a British-derived parliamentary system cannot be underestimated. The sovereignty

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

of Parliament, which Trudeau had used to push through so many anti-traditional measures, was now to be hemmed in by a written document which was virtually a Charter of Left-liberalism. McDonald emphasizes the highly problematic Sections 15(2) and 27 of the Charter, which are only the most egregious. The former legitimates any and all types of discrimination on behalf of so-called "disadvantaged individuals and groups," while the latter entrenches "the preservation and enhancement of the multicultural heritage of Canadians" as a guiding principle for juridical interpretation of the Charter. This practically codifies an anti-traditionalist mindset into a document which is "the highest law of the land," and is also often considered to be the very definition of current-day Canada. The Charter of Rights and Freedoms, backed up by a highly activist judiciary, which immediately asserted its new-found power, immediately turned Canada into a hyper-Left country, regardless of any election results or expressions of popular will. The Charter has thus effectively undermined the operation of democracy in Canada. McDonald's critique of legalism and juridical tyranny is reminiscent of Vico's concept of "the Age of Law" (i.e., of legalism) as the final stage before the dissolution of society and the onset of "the Age of Bestiality."

The enactment of the Charter of Rights and Freedoms also immediately plunged the Canadian polity into a constitutional crisis, as the province of Quebec (then led by a separatist Québécois government) refused to accept it, as it undermined Quebec's "collective rights." The first attempt to resolve the impasse was the Meech Lake Accord, signed in 1987, which, among other things, recognized Quebec as a "distinct society." The ratification procedure, however, failed in 1990, when two smaller English-Canadian provinces refused to accede to it. In 1992, the Charlottetown Agreement, another attempt at resolving the impasse, was put to nation-wide referendum. Curiously enough, the only places where support for the Agreement was strong were in the Maritime provinces (which were all-but-threatened with a cut-off of their federal subsidies); the Greater Toronto area, Ottawa, and West Montreal (i.e., its predominantly non-French part). One possible interpretation is that most of the heartlands/hinterlands of the country took advantage of the occasion to vote against the Agreement, which was seen as yet another concoction of out-of-touch elites. Opponents of the Charlottetown Agreement included the Quebec *sovereigntistes*, and, in English Canada, critics from the Right such as Preston Manning's Reform Party, and critics from the Left such as feminist and aboriginal women's groups — and Trudeau. The latter made some comments about the Agreement as undermining his own constitutional handiwork, which he had expected "to last a thousand years."

Throughout his book, McDonald is unable to resolve the question of whether Trudeau actually strengthened or weakened Quebec's position in Canada. Trudeau's position was once summed us as: "for Quebec (as a collectivity) — nothing, for French-Canadians (as individuals) — everything." McDonald's fourth chapter is a critique of what might be called "French power" in English Canada,

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

which is seen as at all points aided and abetted by the federal and provincial governments and the media. The picture McDonald paints of the French in English Canada all but suggests they have a status virtually analogous to that of German *Volksdeutsch* in Nazi-occupied Eastern Europe. It is a somewhat overwrought picture.

Unlike McDonald, in a letter published in the May 1996 issue of *Commentary*, Peter Brimelow has suggested that the resurgence of nationalism worldwide is all-but-inevitable, despite the attempts of internationalist intellectual elites to suppress it, and that it is virtually only a matter of time before Quebec achieves its destiny as a full nation-state. Indeed, Brimelow points out that the surprising fact is how long Quebec has remained in Canada "like a giant mammoth frozen in tundra." This raises the interesting point that when Quebec was a very traditional, Church-bound society, and there were very few commercial and "information flows" between the mostly rural French-Canadians, and English-Canadians living in Quebec (centered in West Montreal), co-existence was far easier than it is today. At some point, French Quebec had to modernize, and its move into commerce and toward the creation of a technocratic, French-speaking "state" was all but inevitable. Trudeau attempted to sidetrack this process by dangling before French-Canadians the seductive notion that they would be significantly guiding and influencing a continent-wide polity, rather than just the province of Quebec. In Trudeau's vision, Quebec was the solid regional base from which the Canada-wide revolution could be launched. On the other hand, he seemed to give the impression to many English-Canadians in his 1968 campaign, and particularly with his sharp declaration of the War Measures Act in 1970 against Québécois extremists, that he would "put Quebec in its place." Trudeau's playing-off of the dynamic interaction of English and French Canada, was masterful. Ultimately, however, it may be that the notion adopted almost by accident by Robert Stanfield, the "*deux nations*" concept (which, incidentally, cost him much support in English Canada) will in the end prove more authentic.

The recognition of Quebec's obvious "otherness" and collective sense of nationhood eludes McDonald, though such a recognition is — admittedly — rather problematic for the continued survival of English Canada outside of the US. It is possible, however, that Quebec's own sense of nationhood will now become attenuated so quickly, under the pressure of consumptionism and multiculturalism, that it will simply melt back into the socially and ethnically polymorphous Canadian welfare-state. The irony is that, when rooted particularities and regional identities tend to fade into the American universalizing culture, a centralized, managerial-therapeutic state becomes increasingly tenable, as there are simply no local cultures/resistances to challenge it. The high point of regional fracture in Canada may already have been reached, and there may now be a return to "Canadian unity" — defined in the most banal and sterile terms (the Charter of Rights and Freedoms, multiculturalism, and an engorged welfare-state) enforced by a federal government charged with maintaining so-called

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

"national standards" (for welfare-entitlements, for re-educative agendas, and for preferments directed to appropriate victimological groups).

Canada's entire history may have turned out to be a tragedy. But figures such as Pearson, Trudeau, and Mulroney have doubtless accelerated Canada's dissolution into virtual oblivion. McDonald pays little attention to the third figure, who might well be seen as having almost as negative an effect as Trudeau. Ostensibly elected in 1984 on a crest of popular feeling against the ceaseless social experimentation of the Trudeau years, Mulroney not only squandered the opportunity of slowly turning around the ship of state, he actually exacerbated the social and cultural crisis. This was a turning point which failed to turn: a "false dawn." Mulroney combined the worst of both worlds: his government was conventionally considered a "hard-right regime," and was therefore generally despised in Canada, but at the same time he followed Trudeau in terms of society, culture, and even in much fiscal and economic policy.

In 1987 Mulroney precipitously raised immigration numbers to about a quarter-million a year — where they have remained ever since — whereas they had been 54,000 in Trudeau's last year in office. The federal government debt grew even more under Mulroney than in the Trudeau years. The hated GST (Goods & Services Tax), Canada's version of a value-added tax, could be seen as an entirely economic matter, although it might also be interpreted as a conventional liberal tax-grab. Free Trade with the US had been, until the 1960s, the longstanding Liberal policy, to which Canadian Conservatives had stood in strong opposition. About the only right-wing element in Mulroney's program would then remain the tight-money policies of the Bank of Canada — something which a number of Left commentators have suggested was a concession to Mulroney's "international banker" friends, and which is now routinely blamed as "the real cause" of the debt/deficit crisis, as well as of the perennial recession.

Despite the fact Mulroney was conventionally linked to Thatcher and Reagan, there was no conservative revolution in Canada in even the most limited sense. An opening therefore arose for the establishment of the more right-leaning Reform Party, which won 52 seats in the 1993 election. At that time, the federal Progressive Conservatives were reduced to only two seats. The perennial Liberal majority was restored. The Reform Party's chances of forming the government in the any future election appear to be minimal, however, so Mulroney can be seen as having squandered the last chance to turn the country around.

Canada is indeed in the throes of a tangled skein of pathologies. One of McDonald's suggestions for beginning the process of recovery, which is to convoke "a true jury" to make recommendations on the future of Canada is, unfortunately, rather *jejune*. Nevertheless, given the enormity of the crisis, his book is a positive sign because it raises issues which have for far too long been "taboo."

***Mark Wegierski***

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Now available in English:

**Luciano Pellicani**

***The Genesis of Capitalism and the Origins of Modernity***

translated by James G. Colbert

Widely acclaimed in Europe, Luciano Pellicani's classic work on the origins of capitalism is now finally available in English. Through a careful reconstruction of the historical trajectory of capitalism, Pellicani confronts not only the Marxist and the Weberian conventional wisdom about the historical preconditions for capitalist development, but most of the vast literature on the subject to demonstrate how political freedom rather than religious, climatic, geographical and other contributing factors was the essential precondition for capitalist development. This epoch-making phenomenon is examined in terms of the cultural context of Renaissance Europe and related to the concomitant development of modernity and its antinomies.

Beginning with the Reformation and Weber's mythological account of Calvinism, Pellicani painstakingly examines all the major explanations of the phenomenon to build an argument for an open society as the one most conducive to social, economic and political well-being. The appendix carefully examines the development of capitalism in Japan to indicate how such a Eurocentric model is applicable to other societies as well.

228 pages

Hardcover: $ 24
Paperback: $ 16

Telos Press Ltd.
431 E. 12th Street
New York, NY 10009
# 212-228-6479

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

# RECENT BACK ISSUES

**Number 105 — Nationalism and its Discontents**

***GEULEN***: Nationalisms: Old, New and German ***MUELLER***: Reply to Geulen ***BERMAN***: Nationhood and Solidarity ***PAN***: Myth, Community and Nationalism ***TELOS STAFF***: Nationhood, Nationalism and Identity ***CAMPI***: What is National Alliance? ***BOKINA***: Holocaust at Mount Carmel ***MORISI***: Resurgence of the European Right ***WOODS***: Between Liberalism and Fascism ***DELFINI***: The New Franciscans' Masterplan ***MURRAY***: Race and Social Science

**Number 104 — On Populism II**

***BRESLER***: The End of New Deal Liberalism ***GOTTFRIED***: Administration and Liberal Democracy ***FLEMING***: Three Faces of Democracy ***ADLER***: From American Democracy to Statism ***WILSON***: In Search of American Populism ***WILSON***: African-American Populism ***AFRASIABI***: Islamic Populism ***WARREN***: White Americans as a Minority ***BENDERSKY***: The Disappearance of Blonds ***PELLICANI***: Methodological Individualism ***WIEGANDT***: The "*Konservative Revolution*"

**Number 103 — On Populism I**

***PICCONE & ULMEN***: Populism and the New Politics ***TAGUIEFF***: Political Science vs. Populism ***PICCONE***: Postmodern Populism ***LUKE***: Postmodern Populism and Ecology ***GOTTFRIED***: Reconfiguring the Political Landscape ***GREENE***: Black Populism ***BARTRA***: Mexican Reflections ***ROE***: Development and Populism ***WALKER***: The Somalia Crisis ***MURRAY***: Balance or Justice? ***ASCHER***: On Left and Right ***TARCHI***: On Right and Left ***ADLER***: Decline of the French Left

**Numbers 98-99 — On The French New Right**

***PICCONE***: Confronting the French New Right ***ADLER***: Left Vigilance in France ***TAGUIEFF***: The Case of de Benoist ***WEGIERSKI***: The New Right in Europe ***SACCHI***: The Italian New Right ***DE BENOIST***: The Idea of Empire ***TAGUIEFF***: European Identity ***GOTTFRIED***: de Benoist's Anti-Americanism ***TAGUIEFF***: Origins of the New Right **THREE INTERVIEWS WITH ALAIN DE BENOIST** ***TUCKER***: The New Jews ***BENVENUTO***: On Italy ***BENVENUTO***: Left and Right

Subscriptions cost $35 per year (4 issues) for individuals (institutions: $90). Special double issues are $16 (institutions: $45). Foreign orders add 15%. Checks must be in US funds. Back issues are $13 each (institutions: $30). Back issues available: 13, 17-18, 20-51, 53-105). For subscription, back issues etc., write: Telos Press Ltd., 431 E. 12th Street, New York NY 10009. Phone: 212-228-6479. Fax: 212-228-6479

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED